

1979 Assembly Bill 1180

Date published: April 29, 1980

Vetoed overruled published: June 11, 1980

CHAPTER 221, Laws of 1979
(Vetoed in Part)

AN ACT to amend and revise chapter 20 of the statutes, and to make diverse other changes in the statutes, relating to state finances and appropriations, constituting the 1980 budget review bill and making appropriations.

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

SECTION 1a. 5.02 (21) of the statutes is amended to read:

5.02 (21) "Spring election" means the election held on the first Tuesday in April to elect judicial, educational and municipal officers, nonpartisan county officers, sewerage commissioners and to express preferences for the person to be the presidential candidate for each party.

SECTION 1b. 5.58 (2m) of the statutes is created to read:

5.58 (2m) METROPOLITAN SEWERAGE COMMISSION. There shall be a separate ballot for members of the metropolitan sewerage commission if commissioners are elected under s. 66.23 (11) (am), with those candidates for each seat listed in a separate column if more than one seat is contested at any election. Arrangement of the names on the ballot shall be determined by the board. The ballot shall be in substantially the same form as annexed ballot "E" but titled "Official Primary Ballot for Metropolitan Sewerage Commission".

SECTION 1e. 5.58 (3) of the statutes is amended to read:

5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent, for any judicial office, for any elected seat on a metropolitan sewerage commission, and in 1st class cities of the 1st class only 2 candidates for any at-large seat and any combined aldermanic district seat as are to be elected to the board of school directors, and in counties over 500,000 population only 2 candidates for a member of the county board of supervisors in each district, and twice as many candidates as are to be elected members of the board of education or other elective officers receiving the highest number of votes at the primary shall be nominees for the office at the spring election. Only their names shall appear on the official spring ballot.

SECTION 1h. 5.60 (1) (b) of the statutes is amended to read:

5.60 (1) (b) The board shall certify the candidates' names and designate the official ballot arrangement for candidates for justice, court of appeals judge, circuit judge ~~and~~, state superintendent and, if commissioners are elected under s. 66.23 (11) (am), the metropolitan sewerage commission. The arrangement of names of all candidates on the ballot whose nomination papers are filed with the board shall be determined by the board by the drawing of lots on the day following the deadline for filing nomination papers.

SECTION 1j. 5.60 (4m) of the statutes is created to read:

5.60 (4m) METROPOLITAN SEWERAGE COMMISSION. A separate ballot shall list the names of all candidates for metropolitan sewerage commission seats, if commissioners are elected under s. 66.23 (11) (am). The names for the same seat shall be placed in the same column if more than one seat is contested at any election.

SECTION 1l. 7.10 (1) (a) of the statutes is amended to read:

7.10 (1) (a) Each county clerk shall provide printed ballots for every election in ~~his~~ the clerk's county for all offices of county level or above, including metropolitan sewerage commission elections under s. 66.23 (11) (am). The official and sample ballots shall be printed in substantially the same form as those annexed to ch. 5.

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

7.60 (4) (a) The board of canvassers shall make separate duplicate statements for the president and vice president; state officials; U.S. senators and representatives in congress; state legislators; justice; court of appeals judge; ~~and~~ circuit judges; and metropolitan sewerage commissioners, if the commissioners are elected under s. 66.23 (11) (am). Each statement shall state in numbers written out the total number of votes cast in the county for each office; the names of all persons for whom the votes were cast, as returned; and the number of votes cast for each. One statement shall be used to report to the elections board under sub. (5) and the other statement shall be filed in the office of the county clerk.

(5) REPORTING. Immediately following the canvass the county clerk shall send the elections board, by certified mail with return receipt requested, a certified copy of each statement of the county board of canvassers for president and vice president, state officials, senators and representatives in congress, state legislators, justice, court of appeals judge ~~and~~, circuit judge ~~and~~ metropolitan sewerage commissioners, if the commissioners are elected under s. 66.23 (11) (am). Following primaries the county clerk shall enclose on blanks furnished by the elections board; the names, party or principle designation, if

any, and number of votes received by each candidate by voting wards or by municipalities, if not divided into wards.

SECTION 1p. 7.70 (3) (d) of the statutes is amended to read:

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

SECTION 1r. 8.10 (3) (hm) of the statutes is created to read:

8.10 (3) (hm) For members of the metropolitan sewerage commission in districts over 1,000,000 population, not less than 1,000 nor more than 2,000 electors, in districts over 200,000 but not over 1,000,000 population, not less than 200 nor more than 400 electors, and in districts not over 200,000 population, not less than 100 nor more than 200 electors.

SECTION 1s. 8.10 (6) (a) of the statutes is amended to read:

8.10 (6) (a) For statewide offices, court of appeals judgeships ~~and~~, circuit judgeships or seats on a metropolitan sewerage commission, if the commissioners are elected under s. 66.23 (11) (am), in the office of the board.

SECTION 1u. 11.37 of the statutes is amended to read:

11.37 Use of state-owned vehicles and aircraft restricted. No person may use any state-owned vehicle or aircraft primarily for the purposes of campaigning in support of or in opposition to any candidate for national, state or local office after ~~such that~~ candidate has publicly declared his or her candidacy or has filed nomination papers, ~~unless there is paid he or she pays~~ to the state treasurer the mileage fees specified in s. 20.916 (4) (a). ~~In the case of aircraft, an equitable fee shall be determined a fee prescribed by rule of the secretary of administration which is comparable to the commercial market rate for a vehicle or aircraft of similar design.~~ Such fees shall be deposited in the account under s. ~~20.585 (1) (i) 20.865 (5) (h).~~

Vetoed
in Part

SECTION 2. 13.101 (2) of the statutes is amended to read:

13.101 (2) Requests made under subs. (3) ~~and (4) to (4m)~~ in an amount not exceeding \$5,000 and requiring immediate committee action may be resolved by mail ballot to be formally recorded at the next ensuing special or regular meeting. The committee may employ such assistants as it deems necessary and fix their compensation. For the purposes of this section the secretary of administration, or a designated representative, shall serve as secretary of the committee. The state auditor and the director of the legislative fiscal bureau, or their designated representatives, shall attend such meetings if the committee requests.

SECTION 3. 13.101 (4m) of the statutes is created to read:

13.101 (4m) The committee may make loans from the appropriation under s. 20.865 (4) (a) to any appropriation from the general fund or any state segregated fund. If a loan upon repayment is credited to the appropriation under s. 20.865 (4) (a), the committee may utilize the loan funds repaid as provided in this section and s. 20.865 (4) (a).

SECTION 4. 13.101 (5) of the statutes is amended to read:

13.101 (5) All requests for loans under sub. (4m), supplemental appropriations or appropriation transfers shall be filed with the secretary of the committee in writing and shall contain a statement of the amount requested, the purposes therefor, the statutory

provision authorizing or directing the performance of the function, the nature of the emergency, and such other information as the committee may require. The governor shall submit a recommendation on the request to the committee. The committee shall afford all such requests a public hearing and the secretary of the committee shall give public notice of the time and place of such hearing.

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

13.101 (6) All loans under sub. (4m), grants of supplemental appropriations or transfers between appropriations under this section shall be determined by a roll call vote. A copy of the minutes shall be signed by the secretary and approved by the presiding officers and be transmitted to the department of administration, the state auditor and the legislative reference bureau. The minutes shall contain a statement of the findings of fact specified under sub. (3), (4) or (4m) and that a public hearing was held after the requisite notice. All loans under sub. (4m), transfers of appropriations and grants of supplemental appropriations may be approved in whole or in part by the governor and the part approved shall be so ordered, and the part objected to shall be returned to the committee for reconsideration. The chairmen of the committee shall call a meeting or conduct a mail ballot within 10 days of the receipt of the governor's objection and if, after reconsideration, two-thirds of the members of the committee by a roll call vote or recorded ballot sustain the original action it shall be so ordered by signature of the chairmen of the committee.

SECTION 6m. 13.48 (2) (i) of the statutes is created to read:

13.48 (2) (i) In this paragraph, "life-cycle costing" means an economic evaluation of purchases or capital construction which considers all relevant costs associated with each purchase or building during its economic life, including, but not limited to, energy costs, acquisition and conversion, money, transportation, warehousing and distribution, training, operation and maintenance and disposition or resale. The building commission shall establish procedures requiring life-cycle costing for the design and location of any new building, structure, major remodeling or building addition as enumerated in the authorized state building program under s. 20.924 (1) (a) and (b), and for such other projects as the commission determines to be appropriate. The commission may not authorize the release of funds for construction of any new building, structure, major remodeling or building addition unless the requirements of the life-cycle costing procedures have been satisfied.

SECTION 7. 13.48 (3) of the statutes is amended to read:

13.48 (3) STATE BUILDING TRUST FUND. In the interest of the continuity of the program, there ~~shall be~~ is appropriated from the general fund to the state building trust fund as a nonlapsing building depreciation reserve, on July 1, 1965, and annually thereafter, a sum equal to ~~1 1/2%~~ 1.5% of the value of all state buildings, structures, utility plants and equipment therein excepting those under the jurisdiction of the department of transportation, as appraised by the department of administration in each even-numbered year. Such appraisal shall be an estimate of the cost of reproduction of such buildings, structures and facilities, and shall be certified by the department of administration not later than November 20 of each even-numbered year to the ~~incoming~~ governor or governor elect, who shall include the sums so to be transferred in the budget. ~~Such sums, together with all donations, gifts, bequests or contributions of money or other property and any additional appropriations or transfers made thereto by the legislature, moneys shall constitute~~ be deposited into the state building trust fund. At such times as the commission directs, or in emergency situations ~~pursuant to~~ under s. 16.855 (16), the governor shall authorize releases from this fund to become available for projects and shall direct the department of administration to allocate from this fund such amounts as are approved for these projects. In issuing such directions, the commission shall consider the cash balance in the state building trust fund, the necessity and urgency of the proposed improvement,

employment conditions and availability of materials in the locality in which the improvement is to be made. The commission may authorize any project amounting to \$250,000 or less in accordance with priorities to be established by the commission and may adjust the priorities by deleting, substituting or adding new projects as needed to reflect changing program needs and unforeseen circumstances. The commission may enter into contracts for the construction of buildings for any state agency and shall be responsible for accounting for all funds released to projects. The commission may designate the department of administration or the agency for which the project is constructed to act as its representative in such accounting.

SECTION 7m. 13.48 (10) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

13.48 (10) APPROVAL BY COMMISSION. No state board, agency, officer, department, commission or body corporate may enter into a contract ~~or agreement~~ for the construction, reconstruction, remodeling of or addition to any building, structure, or facility, which involves a cost in excess of \$30,000, without completion of final plans and arrangement for supervision of construction and prior approval by the commission, ~~any other provision of law to the contrary notwithstanding and irrespective of the source of the funds to be used for such project.~~ The commission may not approve a contract for the construction, reconstruction, renovation or remodeling of or an addition to a state building as defined in s. 44.51 (2) unless it determines that s. 44.57 has been complied with or does not apply. This section applies to the department of transportation only in respect to buildings, structures and facilities to be used for administrative, laboratory, residential, storage and public exhibition functions. This subsection does not apply to projects approved by the governor in response to emergency situations pursuant to under s. 16.855 (16) nor does it apply or to allocations from the appropriation made under s. 20.867 (2) for special category projects when the building commission has released funds under sub. (3) and has also approved a plan for the expenditure of those funds. "Special category projects" for the purpose of this subsection include but are not limited to ~~such projects~~ such as special maintenance, energy conservation, handicapped access and advance property acquisition designated by the building commission.

SECTION 7r. 13.488 (1) (L) of the statutes is created to read:

13.488 (1) (L) The duty to prohibit the use of general fund supported borrowing for the construction of parking facilities for new or existing buildings, ~~unless the parking facilities are constructed with general fund supported borrowing as an integral part of a new building or existing building and unless fees will be charged for parking privileges sufficient to recover the full costs associated with providing the parking facilities, including that portion of the costs of the land, construction and maintenance necessary for the parking facilities. Nothing in this paragraph shall be deemed to require the recovery of the costs of land for parking facilities if such costs, including debt service, if any, have been paid in full prior to the effective date of this act (1979).~~ Nothing in this paragraph shall be deemed to require that all users of the parking facilities be charged a parking fee. Vetoed in Part

SECTION 8. 13.51 (2) (intro.) of the statutes is amended to read:

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

SECTION 9. 13.51 (2) (b) of the statutes is repealed and recreated to read:

13.51 (2) (b) The deputy secretary of the department of employe trust funds.

SECTION 10. 13.51 (2) (c) of the statutes is repealed.

SECTION 11. 13.51 (2) (d) to (h) of the statutes are renumbered 13.51 (2) (c) to (g).

SECTION 11m. 13.83 (2) of the statutes is repealed.

SECTION 11r. 13.85 of the statutes is created to read:

Vetoed in Part **13.85 Petroleum conservation study.** ~~(N)~~ The legislative council shall conduct a study to develop short- and long-term strategies for minimizing the total consumption of petroleum for the transportation of persons and property in this state. The study shall include the feasibility of using railroad service in this state to transport automobiles traveling for recreational purposes. The legislative council shall report the findings and recommendations of the study to the 1981 legislature.

Vetoed in Part (2) The department of transportation shall reimburse the legislative council for the expenses incurred in connection with the study conducted under this section from the appropriation under s. 20.395 (5) (aq).

SECTION 12g. 13.92 (intro.) of the statutes is amended to read:

Vetoed in Part **13.92 Legislative reference bureau.** (intro.) There is created a bureau to be known as the "Legislative Reference Bureau," headed by the chief of legislative reference bureau under the classified service, except as provided under sub. (2). The legislative reference bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of the reference or drafting requests received by it.

SECTION 12i. 13.92 (2) (intro.) of the statutes is renumbered 13.92 (3) (intro.).

SECTION 12m. 13.92 (2) (a) of the statutes is renumbered 13.92 (3) (a) and amended to read:

13.92 (3) (a) Employ under the classified service, except as provided in par. (b), and supervise and train the personnel assigned to him or her.

SECTION 12p. 13.92 (2) (b) to (f) of the statutes are renumbered 13.92 (3) (c) to (g), respectively.

SECTION 12r. 13.92 (2) and (3) (b) of the statutes are created to read:

13.92 (2) UNCLASSIFIED CHIEF. Any chief of the legislative reference bureau appointed by the joint committee on legislative organization after June 30, 1980, shall be appointed in the unclassified service.

(3) (b) Notwithstanding par. (a), appoint outside the classified service all new personnel hired on or after June 30, 1980.

SECTION 13. 13.93 (1m) of the statutes is amended to read:

13.93 (1m) 1970 ANNOTATIONS. The revisor of statutes shall prepare and deliver to the department of administration, as soon as practicable after the end of the regular legislative session of 1969, a printer's copy for a volume to be designated "Wisconsin Annotations" and to contain the Wisconsin constitution, notes of the legislative history of the sections of the statutes and annotations of court decisions interpreting the Wisconsin constitution and statutes, and such other matter as the revisor deems important. The department shall order printed, and the contract printer shall print and deliver, the number of copies ordered. This edition of the annotations shall be printed and published as supplement to the 1969 Wisconsin statutes; and the laws and the contract governing the printing and distribution of those statutes shall, as far as applicable, govern the printing and sale of the annotations, except that the annotations shall be sold at a price fixed by the department at approximately the cost thereof and there shall be no free distribution thereof except as provided in ss. 35.84 (2) lines 7-D, 17-D, 18-D, 28-D and 35-D (Figure) column E, 35.85 (5) and (11m) and 44.06 (1). The department shall designate the type, and shall determine the number of copies to be printed.

SECTION 14. 14.015 (2) (a) and (b) of the statutes are amended to read:

14.015 (2) (a) The secretaries of the departments of agriculture, trade and consumer protection, business development, health and social services, industry, labor and human relations, local affairs and development and natural resources.

(b) ~~Five~~ Two members of the state ~~manpower employment and training council including the chairperson of the department of industry, labor and human relations, the secretaries of the departments of local affairs and development and business development, and 2 other members~~ created under 29 USC 820, appointed by the governor.

SECTION 15. 14.017 (2) of the statutes is amended to read:

14.017 (2) (title) STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE. There is created in the office of the governor a state council on alcohol and other drug abuse consisting of the governor, the attorney general, the state superintendent of public instruction, the secretary of health and social services and the chairperson of the pharmacy examining board, or their designees; a representative of the controlled substances board; a consumer representing the public at large, who shall be elected by the citizens council on alcohol and other drug abuse under s. 14.245 (6); a representative of an organization or agency which is a direct provider of services to alcoholics and other drug abusers; and 2 members of each house of the legislature, representing the majority party and the minority party in each house, chosen as are the members of standing committees in their respective houses. Section 15.09 applies to the council.

SECTION 16. 14.017 (2m) of the statutes is created to read:

14.017 (2m) CITIZENS COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE. There is created in the office of the governor a citizens council on alcohol and other drug abuse consisting of 20 to 30 members appointed by the governor for staggered 4-year terms. The council membership shall consist of residents with a demonstrated professional, research or personal interest in alcohol and other drug abuse problems. Section 15.09 applies to the council.

SECTION 17. 14.017 (3) (a) to (c) and (e) to (g) of the statutes are amended to read:

14.017 (3) (a) There is created in the office of the governor a health policy council consisting of not more than 50 members. The council is also the statewide health coordinating council under 42 USC 300k to 300n-5, in effect on the effective date of this act (1979). There shall be 2 categories of members of the council, agency representatives and members-at-large. In addition, a representative designated by the U.S. veterans administration chief medical director serves as a nonvoting member of the council.

(b) Agency representatives shall represent ~~substate health planning and development agencies approved by the state and approved and funded by the federal government under the public health service act P.L. 93-641. At least 16 agency representatives shall be appointed, and each health planning and development health systems agencies designated~~ by the United States under 42 USC 300k to 300n-5, in effect on the effective date of this act (1979). Except as provided for bistate agencies under 42 USC 300m-3 (b) (1) (A) (ii), in effect on the effective date of this act (1979), each agency within the state shall be equally represented on the council and shall be entitled to at least 2 representatives.

(c) Agency representatives shall be chosen by the governor from among slates of 5 nominees for each ~~initial vacancy assigned to an agency and a similar list for vacancies at the end of a representative's term.~~ Agency representatives shall constitute 60% of the total membership of the council.

(e) At least 50% of the members of the council shall be consumers of health ~~services who are care but~~ not providers of health services, holders of public elective or appointive offices, spouses of providers of health services or former providers of health services. Consumer members shall include persons who represent rural and urban medically underserved populations in the state.

(f) ~~The council shall select from among its members a chairperson shall be selected as provided in 42 USC 300m-3 (b) (2), in effect on the effective date of this act (1979).~~

(g) The chief executive officer of the state health planning and development agency designated under ~~P.L. 93-641 shall serve as~~ 42 USC 300k to 300n-5, in effect on the effective date of this act (1979), or his or her designee, is the nonvoting secretary of the council.

SECTION 18. 14.017 (4) of the statutes is repealed.

SECTION 19. 14.017 (5) of the statutes is repealed and recreated to read:

14.017 (5) COUNCIL ON CRIMINAL JUSTICE. (a) There is created in the office of the governor a council on criminal justice. Section 15.09 (1) and (3) to (8) applies to the council. The council shall consist of the governor and not more than 33 other members who are residents of the state and who are representatives of the criminal justice system including law enforcement agencies; the judiciary, prosecutorial and defense counsel; adult correctional and rehabilitative agencies; juvenile justice agencies; state and general local government; public and private agencies relating to the criminal justice system; and private citizens. The membership shall include an appropriate geographic balance. Members, other than the governor, shall be appointed for staggered 2-year terms and shall serve at the pleasure of the governor.

(b) The governor shall serve as chairperson of the council and shall designate a first vice chairperson to preside in the governor's absence and a 2nd vice chairperson to preside in the absence of both the governor and the first vice chairperson.

(c) The governor may create appropriate committees necessary for the operation and function of the council on criminal justice. The governor shall prescribe duties and the purpose of the committees.

(d) The governor shall appoint an executive director who shall serve at the pleasure of the governor. The executive director shall be responsible for the administration of funds received under the justice system improvement act of 1979, P.L. 96-157, and the juvenile justice and delinquency prevention act of 1974, P.L. 93-415, and the implementation of s. 14.27. The executive director shall appoint all other staff.

(e) This subsection does not apply on or after June 30, 1984.

SECTION 20. 14.017 (5) of the statutes, as affected by chapter (this act), laws of 1979, is repealed.

SECTION 21. 14.02 of the statutes is amended to read:

14.02 (title) Governor may appoint employes. The governor may appoint and fix the compensation of such employes as ~~deemed he or she deems~~ necessary for the execution of the functions of the office of the governor and for the domestic service of the executive residence. The governor may ~~at pleasure~~ remove any of the appointees at pleasure.

SECTION 22. 14.19 of the statutes is created to read:

14.19 Ombudsman and advocacy activities. (1) The governor may authorize ombudsman and advocacy activities to be conducted in the office of the governor concerning problems of the aging, disabled, women and ethnic minorities.

(2) The governor may contract with any state agency for the purpose of carrying out the ombudsman and advocacy activities.

(3) Ombudsman and advocacy activities may include investigation of complaints, service as an advisor or a mediator in resolving disputes or promotion of public education and planning to resolve problems.

SECTION 23. 14.24 (title), (2) (intro.), (3) (intro.) and (4) of the statutes are amended to read:

14.24 (title) State council on alcohol and other drug abuse.

(2) (intro.) The state council on alcohol and other drug abuse shall:

(3) (intro.) The state council may:

(4) The state council on alcohol and other drug abuse shall cooperate with agencies of the federal government and receive and use federal funds for the purposes of this section.

SECTION 24. 14.245 of the statutes is created to read:

14.245 Citizens council on alcohol and other drug abuse. (1) The citizens council on alcohol and other drug abuse shall:

(a) Meet at least once every 3 months.

(b) Advise the governor, legislature and all governmental agencies on the plans, budgets and operations of all state alcohol and other drug abuse programs and on other matters referred to the council.

(c) Encourage public understanding and support of alcoholism and other drug abuse programs.

(d) Make recommendations at least once a year under par. (b) to the council on alcohol and other drug abuse, the state health planning agency under ch. 150, and the single state agencies under P.L. 91-616, P.L. 92-255, P.L. 91-513 as amended on the effective date of this act (1979) and 21 CFR 310.505 on the effective date of this act (1979).

(e) Monitor programs that address the needs of state victims of alcohol and other drug abuse and their families.

(f) Elect one member to serve as the consumer member of the council on alcohol and other drug abuse under s. 14.017 (2).

(2) The citizens council on alcohol and other drug abuse may appoint task committees.

SECTION 25. 14.25 (1) of the statutes is repealed and recreated to read:

14.25 (1) Perform the functions of a statewide health coordinating council as required under 42 USC 300k to 300n-5, in effect on the effective date of this act (1979), including:

(a) Establish in consultation with the state health planning and development agency designated under s. 140.82 (1) and with health systems agencies a uniform format for health systems plans.

(b) Review health systems plans.

(c) Prepare, review at least triennially and revise as necessary for the approval of the governor a state health plan to coordinate services and resources or deal more effectively with statewide health needs. The plan shall describe the institutional health services needed for the well-being of persons receiving care, describe the number and type of resources including facilities, personnel, major medical equipment and other resources required to meet the goals of the plan, state the extent to which existing health care facilities require modernization, conversion to other uses or closing and state the extent to which new health facilities need to be constructed or acquired.

(d) Review annually the budget of and applications submitted by health systems agencies.

(e) Advise the state health planning and development agency on the performance of its functions under s. 140.82.

(f) Review annually and recommend approval or disapproval of:

1. Any state health or health-related plan submitted to the federal government as a condition to the receipt of any federal funds; and

2. Any application or revision of an application for funding of projects in more than one health service area, as required under 42 USC 300m-3 (c) (6), in effect on the effective date of this act (1979).

SECTION 26. 14.25 (3) to (5) and (7) of the statutes are repealed.

SECTION 27. 14.25 (6), (8) and (9) of the statutes are renumbered 14.25 (3), (4) and (5), respectively.

SECTION 29. 14.26 of the statutes is repealed.

SECTION 30. 14.27 of the statutes is repealed and recreated to read:

14.27 Council on criminal justice. The council on criminal justice shall:

(1) Serve as the state planning agency under the justice system improvement act of 1979, P.L. 96-157, and the juvenile justice and delinquency prevention act of 1974, P.L. 93-415.

(2) At the request of the governor, advise and assist in developing policies, plans, programs and budgets for improving the coordination, administration and effectiveness of the criminal justice system in the state.

(3) Prepare a state comprehensive criminal justice improvement plan on behalf of the governor. The plan shall be submitted to the joint committee on finance in accordance with s. 16.54 and to the appropriate standing committees of each house of the legislature as determined by the presiding officer of each house. The plan shall be updated periodically and shall be based on an analysis of the state's criminal justice needs and problems.

(4) Establish goals, priorities and standards for the reduction of crime and the improvement of the criminal justice system in this state.

(5) Recommend appropriate legislation in the criminal justice field to the governor and the legislature.

(6) Encourage local and regional comprehensive criminal justice planning efforts.

(7) Conduct evaluation studies involving programs and projects funded in whole or in part by the state aimed at reducing crime and delinquency and improving the administration of justice.

(8) Conduct other studies, evaluations, crime data analyses and reports to be submitted to the governor or the legislature as requested by the governor.

(9) Cooperate with and render technical assistance to state agencies and units of local government and public or private agencies relating to the criminal justice system.

(10) Apply for contracts or receive and expend for its purposes any appropriation or grant from the state, a political subdivision of the state, the federal government or any other source, public or private, in accordance with the statutes.

(11) Collect from any state or local governmental entity information, data, reports, statistics, or other material which is necessary to perform the council's duties and functions.

(12) Prepare a quarterly report of state agency funding under the justice system improvement act of 1979, P.L. 96-157, and the juvenile justice and delinquency prevention act of 1974, P.L. 93-415. The quarterly reports shall be submitted to the legislature.

(13) Perform other duties necessary to carry out the functions provided by executive order.

(14) Prepare a report for the legislature when it convenes in 1983 regarding the status of any federal legislation which affects federal funding and authorization for the council on criminal justice.

(15) This section does not apply on or after June 30, 1984.

SECTION 31. 14.27 of the statutes, as affected by chapter (this act), laws of 1979, is repealed.

SECTION 32. 14.58 (15) (b) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

14.58 (15) (b) Notwithstanding par. (a), whenever moneys arising from an unclaimed legacy or unclaimed intestate property have been deposited with the state treasurer on or after April 1, 1971, but before ~~July 29, 1979~~ the effective date of this act (1979), claims may be made for the property under s. 863.39 within 10 years after ~~July 29, 1979~~ the effective date of this act (1979).

SECTION 32m. 15.02 (3) (a) of the statutes is amended to read:

15.02 (3) (a) The secretary of each department may, subject to sub. (4), establish the internal structure within the office of secretary so as to best suit the purposes of his or her department. No secretary may authorize the designation of "assistant secretary" as the official position title of any employe of his or her department.

SECTION 33. 15.04 (1) (a) of the statutes is amended to read:

15.04 (1) (a) *Supervision.* Except as provided in ss. s. 15.03 and ~~440.03 (2)~~, plan, direct, coordinate and execute the functions vested in the department or independent agency.

SECTION 34. 15.04 (1) (c) of the statutes is amended to read:

15.04 (1) (c) *Advisory bodies.* ~~Except as provided in s. 440.03 (2), in~~ In addition to any councils specifically created by law, create and appoint such councils or committees as the operation of the department or independent agency requires. Members of councils and committees created under this general authority shall serve without compensation, but may be reimbursed for their actual and necessary expenses incurred in the performance of their duties and, if such reimbursement is made, such reimbursement in the case of an officer or employe of this state who represents an agency as a member of such a council or committee shall be paid by the agency which pays the officer's or employe's salary.

SECTION 34m. 15.04 (1) (h) of the statutes is created to read:

15.04 (1) (h) *Annual report of forms used.* Annually, on January 15 file with the department of administration and the legislative council a complete and current listing of all forms, reports and papers required by the department or independent agency to be completed by any person, other than a governmental body, as a condition of obtaining the approval of the department or independent agency or for any other reason. The department or independent agency shall attach a blank copy of each such form, report or paper to the listing.

SECTION 35. 15.07 (1) (d) of the statutes is created to read:

15.07 (1) (d) Any member of a board created under s. 15.165 who loses the status upon which the appointment was based shall cease to be a member of the board upon the appointment to the board of a qualified successor.

SECTION 36. 15.08 (1) (a) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 15.08 (1) and amended to read:

15.08 (1) All members of examining boards shall be residents of this state and shall, unless otherwise provided by law, be nominated by the governor, and with the advice and consent of the senate appointed. Appointments shall be for the terms provided by law. Terms shall expire on July 1 and shall, if the term is for an even number of years, expire in an odd-numbered year. If a vacancy is required to be filled by an appointee who is a member of a private organization, that organization may make recommendations to the appointing authority for filling the vacancy. No examining board member may be an

officer, director or employe of a private organization which promotes or furthers the profession or occupation regulated by the examining board.

SECTION 37. 15.08 (1) (b) of the statutes, as created by chapter 34, laws of 1979, is repealed.

SECTION 38. 15.08 (1a) of the statutes, as created by chapter 34, laws of 1979, is repealed.

SECTION 39. 15.16 (intro.) of the statutes is amended to read:

15.16 Department of employe trust funds; creation. (intro.) There is created a department of employe trust funds under the direction and supervision of the employe trust funds board. ~~The employe trust funds board shall designate one of the administrators under s. 15.163 (1) or (2) to serve as the secretary of employe trust funds, and designate the other administrator to serve as the secretary's deputy.~~

SECTION 40. 15.163 of the statutes is repealed.

SECTION 41. 15.165 (2), (3) (intro.), (4) and (5) (intro.) of the statutes are amended to read:

15.165 (2) ~~GROUP INSURANCE BOARD.~~ There is created a group insurance board which is attached to the ~~division of municipal and state government~~ department of employe trust funds under s. 15.03. The board shall consist of the governor, the attorney general, the secretary of administration and, the secretary of employment relations and the commissioner of insurance or their designees, ~~the commissioner of insurance,~~ and 4 persons appointed for 2-year terms, of whom one shall be an insured member of the Wisconsin state employes union, one shall be an insured state-employed member of the state teachers retirement system and one shall be an insured employe of a local unit of government.

(3) (intro.) ~~WISCONSIN RETIREMENT FUND BOARD.~~ There is created a Wisconsin retirement fund board which is attached to the ~~division of municipal and state government~~ department of employe trust funds under s. 15.03. The board shall consist of the commissioner of insurance or an experienced actuary in the office of the commissioner designated by ~~him~~ the commissioner, and 8 persons appointed by the governor for 5-year terms. The city or village member shall be appointed from a list of 5 names submitted by the executive committee of the league of Wisconsin municipalities, and the county or town member shall be appointed from a list of 5 names submitted by the executive committee of the Wisconsin county boards association. Each member appointed from a city or village shall be appointed from a different county. Each member appointed from a county or town shall be appointed from a different county. The appointive members shall consist of the following:

(4) ~~MILWAUKEE TEACHERS RETIREMENT BOARD.~~ There is created a teachers retirement board in each ~~city of the 1st class city,~~ which is attached to the ~~division of teachers~~ department of employe trust funds under s. 15.03. The board shall consist of the president and 4 members of the board of school directors of the city; 2 female teachers, not more than one of whom may be a principal or vice principal; and 2 male teachers, not more than one of whom may be a principal or vice principal. The teachers of the public schools in the city annually shall elect one male teacher and one female teacher to the board for 2-year terms. The board of school directors annually shall elect 2 members thereof to the board for 2-year terms.

(5) ~~STATE TEACHERS RETIREMENT BOARD.~~ (intro.) There is created a state teachers retirement board which is attached to the ~~division of teachers~~ department of employe trust funds under s. 15.03. Each member of the board shall be appointed for a 5-year term. The board shall consist of members as follows:

SECTION 42. 15.165 (6) of the statutes is created to read:

15.165 (6) DEFINITION. For the purpose of this section, “annuitants” and “inactive participants” are deemed to be employes in the last position in which they were covered by a retirement fund or system under ch. 41 or 42.

SECTION 43. 15.197 (2) of the statutes is amended to read:

15.197 (2) COUNCIL ON BLINDNESS. There is created in the department of health and social services a council on blindness consisting of ~~3~~ 5 members appointed by the secretary of health and social services for staggered ~~6-year~~ 3-year terms. Persons appointed to the council shall be visually handicapped, shall reflect a broad representation of visually handicapped persons and shall have a recognized interest in and demonstrated knowledge of the problems of the visually handicapped. Council members may be persons receiving services from the department. “Visually handicapped” means having a visual acuity equal to or less than 20/70 in the better eye with correcting lenses, or ~~a visual acuity greater than 20/70 in the better eye with correcting lenses, but accompanied by having~~ a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

SECTION 44. 15.197 (4) (intro.) of the statutes is repealed.

SECTION 45. 15.197 (4) (d) and (g) of the statutes are renumbered 15.227 (15) and (16), respectively, and amended to read:

15.227 (15) (title) PLUMBERS COUNCIL. There is created in the department of industry, labor and human relations a plumbers ~~examining~~ council consisting of 3 members. One member shall be an employe of the department of ~~health and social services~~ industry, labor and human relations, selected by the secretary of ~~health and social services~~ industry, labor and human relations, to serve as the secretary of the council. Two members, one a master plumber and one a journeyman plumber, shall be appointed by the secretary of ~~health and social services~~ industry, labor and human relations for 2-year terms.

(16) (title) AUTOMATIC FIRE SPRINKLER SYSTEM CONTRACTORS AND JOURNEYMEN COUNCIL. There is created in the department of industry, labor and human relations an automatic fire sprinkler system contractors and journeymen ~~examining~~ council consisting of 5 members. One member shall be an employe of the department of ~~health and social services~~ industry, labor and human relations, selected by the secretary of ~~health and social services~~ industry, labor and human relations, to serve as secretary of the council. Two members shall be licensed journeymen automatic fire sprinkler fitters and 2 members shall be persons representing licensed automatic fire sprinkler contractors, all appointed by the secretary of ~~health and social services~~ industry, labor and human relations for staggered 4-year terms.

SECTION 46. 15.197 (14) of the statutes is repealed.

SECTION 46m. 15.227 (6) of the statutes is amended to read:

15.227 (6) DWELLING CODE COUNCIL. There is created in the department of industry, labor and human relations, a dwelling code council, consisting of ~~45~~ 17 members appointed for staggered 3-year terms. Four members shall be representatives of building trade labor organizations; 4 members shall be certified building inspectors employed by local units of government; 2 members shall be representatives of building contractors actively engaged in on-site construction of one- and 2-family housing; 2 members shall be representatives of manufacturers or installers of manufactured one- and 2-family housing; one member shall be an architect, engineer or designer actively engaged in the design or evaluation of one- and 2-family housing; 2 members shall represent the construction material supply industry; and 2 members shall represent the public. An employe of the department designated by the secretary of industry, labor and human relations shall serve as nonvoting secretary of the council. The council shall meet at least twice a year. ~~Ten~~ Eleven members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council is required.

SECTION 46r. 15.347 (5) of the statutes is created to read:

15.347 (5) AIR RESOURCE ALLOCATION COUNCIL. (a) *Creation*. There is created in the department of natural resources an air resource allocation council.

(b) *Members*. The air resource allocation council shall consist of 11 members, as follows:

1. Seven members shall be public members, one to represent major sources of air pollution, one to represent minor sources of air pollution, one to represent local government, one to represent the tourism industry, one to represent the interests of labor and 2 to represent environmental interests, nominated by the governor and, with the advice and consent of the senate appointed, to serve 3-year terms.

2. Four members shall be legislative members, one from each of the 2 major parties in each house of the legislature, to be appointed as are members of the standing committees for 2-year terms to expire on the date specified under s. 13.02 (1).

(c) *Sunset*. This subsection is effective until January 2, 1984.

SECTION 46s. 15.347 (5) of the statutes, as created by chapter (this act), laws of 1979, is repealed.

SECTION 47. 15.401 (4) of the statutes is repealed.

SECTION 48. 15.405 (3) of the statutes is repealed.

SECTION 50. 15.405 (7g) (a) 2 of the statutes, as affected by chapter 34, laws of 1979, is repealed.

~~SECTION 50m. 15.435 (1) of the statutes, as affected by chapter 63, laws of 1979, is amended to read:~~

~~15.435 (1) INVESTMENT AND LOCAL IMPACT FUND BOARD. There is created an investment and local impact fund board, attached to the department of revenue under s. 15.03 consisting of the secretaries of local affairs and development and revenue or their designees, 2 public members, 2 municipal officials, 2 county officials and one school board member appointed for staggered 4-year terms. If a municipal or county official or a school board member leaves office while serving on the board, the member's position on the board shall be considered vacant until a successor is appointed under s. 15.07 (1) (b). One of the public members and one of the local officials shall reside in a county or school district in which metalliferous mineral development is occurring or in an adjacent county or school district and one local official shall reside in a county or school district in which metalliferous minerals are extracted or an adjacent county or school district. One municipal official member shall be recommended by the league of Wisconsin municipalities. One municipal official shall be recommended by the Wisconsin towns association. The school board member shall be recommended by the Wisconsin association of school boards. The county officials shall be recommended by the Wisconsin county boards association. The secretaries of local affairs and development and revenue may each designate an alternate from his or her department to attend meetings in place of the secretary. Any group that has recommended a member of the board under this subsection may designate an alternate to attend meetings in place of the member who was appointed to the position for which they made a recommendation. An executive secretary shall be appointed to serve at the pleasure of the board. The executive secretary may request of any state agency such assistance as may be necessary for the board to fulfill its duties. The board may request advice from the legislative council mining committee on any matter relating to the board's duties. The board shall meet at least twice per year at a time and place determined by the chairperson.~~

SECTION 54. 16.004 (4) and (5) of the statutes are amended to read:

16.004 (4) FREEDOM OF ACCESS. The secretary and such employes of the department as the secretary designates may enter into the offices of state agencies, including authorities created under chs. 231, 234 and 499, and may examine their books and accounts and any other matter which in the secretary's judgment should be examined and may interrogate the agency's employes publicly or privately relative thereto.

(5) AGENCIES AND EMPLOYES TO COOPERATE. All state agencies, including authorities created under chs. 231, 234 and 499, and their officers and employes, shall cooperate with the secretary and shall comply with his every request of the secretary relating to his or her functions.

SECTION 54m. 16.004 (7) (a) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

16.004 (7) (a) The secretary shall establish and maintain a personnel management information system which shall be used to furnish the governor, the legislature and the department of employment relations with current information pertaining to authorized positions, payroll and related items for all civil service employes, except employes of the office of the governor, the courts and judicial branch agencies, and the legislature and legislative service agencies. It is the intent of the legislature that the university of Wisconsin system provide position and other information to the department and the legislature, which includes appropriate data on each position, facilitates accountability for each authorized position and traces each position over time. Nothing in this paragraph may be interpreted as limiting the authority of the board of regents of the university of Wisconsin system to allocate and reallocate positions by funding source within the legally authorized levels.

SECTION 54s. 16.40 (17) and (18) of the statutes are created to read:

16.40 (17) Provide a written estimate of the total amounts needed to finance the employe compensation and fringe benefit supplements under s. 20.865 (1) (c), (ci), (cm) and (d) to the joint committee on employment relations no later than the time that the proposed compensation plan under s. 230.12 and the proposed collective bargaining agreements under s. 111.92 are presented for the committee's approval in each odd-numbered year, and provide a revised estimate as soon as possible after the department obtains any information which necessitates a revised estimate. The department may not authorize release of any moneys from the appropriations made under s. 20.865 (1) (c), (ci), (cm) and (d) exceeding the amount specified in an estimate or revised estimate provided under this subsection until it notifies the joint committee on employment relations of the amount and purpose of the additional release.

(18) Require each state agency, at the time that the agency submits a request to the department for an increased appropriation to be provided in an executive budget or budget review bill which is necessitated by the compensation plan under s. 230.12 or a collective bargaining agreement approved under s. 111.92, to provide a copy of the request to the secretary of employment relations and the joint committee on employment relations.

SECTION 55. 16.42 (3) of the statutes, as created by chapter 34, laws of 1979, is repealed.

SECTION 55m. 16.42 (4) of the statutes is created to read:

16.42 (4) Commencing with budget requests for the executive budget bill or bills for the 1981-83 biennium and thereafter, each agency and department with a sum sufficient appropriation for utility and fuel costs under the 1979 statutes shall submit its budget request to the department with utility and fuel costs separately identified from other types of expenditures and funded from general purpose revenues under an annual or biennial sum certain appropriation.

SECTION 57. 16.47 (1) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

16.47 (1) The executive budget bill or bills shall incorporate the governor's recommendations for appropriations for the succeeding biennium. Each appropriation in each bill except those for highway construction and aids to local units may be divided into 3 allotments: personal services, other operating expenses and capital outlay or other meaningful classifications, or appropriations may be made in total for all expense. The appropriation method shall in no way affect the amount of detail or manner of presentation which may be requested by the joint committee on finance. Appropriation requests may be divided into 3 allotments: personal services, other operating expenses and capital outlay or such other meaningful classifications as may be approved by the joint committee on finance. ~~Commencing with the executive budget bill or bills for the 1981-83 biennium and thereafter, the secretary, under the direction of the governor, shall prepare the budget bill or bills with all out-of-state travel funded from general purpose revenues under an annual, biennial or continuing sum certain appropriation separately appropriated from an appropriation under ss. 20.100 to 20.899 which includes only out-of-state travel.~~

SECTION 59. 16.51 (7) of the statutes is repealed and recreated to read:

16.51 (7) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS. Receive, examine, determine and audit claims, duly certified and approved by the department of health and social services, from the county clerk of any county in behalf of the county, which are presented for payment to reimburse the county for certain expenses incurred or paid by it in reference to all matters growing out of actions and proceedings involving prisoners in state prisons, as defined in s. 53.01, including prisoners transferred to central state hospital or a mental health institute for observation or treatment, when the proceedings are commenced in counties in which the prisons are located by a district attorney or by the prisoner as a post-conviction remedy or a matter involving the prisoner's status as a prisoner. Expenses shall only include the amounts as were necessarily incurred and actually paid and shall be no more than the legitimate cost would be to any other county had the offense or crime occurred therein.

SECTION 60. 16.53 (8) of the statutes is amended to read:

16.53 (8) CLAIMS REQUIRING LEGISLATIVE ACTION. ~~All claims of every kind~~ Every claim against the state requiring legislative action shall be made in the manner provided in sub. (1), in duplicate, and shall be filed in the office of the secretary. The secretary shall examine the same claim, ascertain whether ordered by competent authority and, if properly made, designate the fund to which ~~they are~~ it is chargeable. Except in the case of claims described under s. 16.007 (6) (b), the secretary shall as soon as practicable refer ~~such claims~~ the claim to the claims board for its findings of fact, its conclusions and its report thereon to the legislature for action. Whenever a bill authorizing the release of moneys or appropriating money for payment of a claim becomes a law the secretary, before drawing a warrant therefor on the treasurer, shall see that the proper account on which ~~such~~ the release of moneys or the appropriation is based is filed in the secretary's office.

SECTION 62. 16.533 of the statutes, as created by chapter 34, laws of 1979, is amended to read:

16.533 Out-of-state travel limit. Commencing with fiscal year 1979-80 and thereafter, an agency or department may not make total general purpose revenue funded expenditures from sum certain appropriations for ~~out-of-state travel out of the state in which an office of the department or agency is located~~ in excess of 107% of total general purpose revenue funded expenditures from sum certain appropriations by that agency or department for ~~out-of-state travel out of the state in which an office of the department or agency is located~~ in the previous fiscal year, unless a specific exemption for cause is approved by ~~the joint committee on finance acting under s. 13.101 upon the recommendation of the~~

Vetoed
in Part

~~secretary prior to January 1 of the fiscal year. This section does not apply to a department or agency created after the effective date of this act (1979) until the July 1 occurring at least one year after the department or agency is created. The limitations of this section do not apply to appropriations and expenditures for the department of revenue's audit activities in its administration of chs. 71, 72 and 77.~~ **Vetoe in Par**

SECTION 63. 16.535 (4) (c) of the statutes is repealed.

SECTION 64. 16.70 (1) and (2) of the statutes, as affected by chapter 34, laws of 1979, are renumbered 16.70 (3) and (4), respectively.

SECTION 65. 16.70 (2) of the statutes is created to read:

16.70 (2) "Limited trades work" means the repair or replacement of existing equipment or building components with equipment or components of the same kind, if the work is not dependent upon the design services of an architect or engineer, and does not alter or affect the performance of any building system, structure, exterior walls, roof or exits, or the fire protection or sanitation of the building. "Limited trades work" includes decorative and surface material changes within a building and minor preventive maintenance to ancillary facilities such as drives, sidewalks and fences.

SECTION 66. 16.70 (3) of the statutes is renumbered 16.70 (5).

SECTION 67. 16.70 (4) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 16.70 (1) and amended to read:

16.70 (1) "Contractual services" includes all materials and services, and any ~~construction~~ limited trades work involving less than \$10,000 ~~for construction work~~ to be done for or furnished to the state or any ~~agency office~~ thereof.

SECTION 68. 16.70 (5) of the statutes, as created by chapter 34, laws of 1979, is renumbered 16.87 (1) (a).

SECTION 69. 16.75 (1) (a) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

16.75 (1) (a) All orders awarded or contracts made by the department for all materials, supplies, equipment and contractual services, except as otherwise provided in par. (c) and subs. ~~(1m)~~, (2), (6) and (7) and s. 144.48 (7), shall be awarded to the lowest responsible bidder, taking into consideration life cycle cost estimates under sub. (1m), when appropriate, the location of the institution or agency, the quantities of the articles to be supplied, their conformity with the specifications, and the purposes for which they are required and the date of delivery; but preference shall always be given to materials, supplies, equipment and contractual services of Wisconsin producers, distributors, suppliers and retailers. Bids may be received only in accordance with such specifications as are adopted by the department as provided in this subsection. Any or all bids may be rejected. Each bid, with the name of the bidder, shall be entered on a record, and each record with the successful bid indicated shall, after the award or letting of the contract, be opened to public inspection. Where a low bid is rejected, a complete written record shall be compiled and filed, giving the reason in full for such action. Any waiver of sealed, advertised bids as provided in sub. (6) shall be entered on a record kept by the department and open to public inspection.

SECTION 71. 16.75 (1m) of the statutes is created to read:

16.75 (1m) (a) The department shall consider life cycle cost estimates in the award of any order or contract for materials, supplies or equipment whenever such action is appropriate. The terms, conditions and evaluation criteria to be applied shall be incorporated in the solicitation of bids or proposals. The life cycle cost formula may include, but is not limited to, the applicable costs of energy efficiency, acquisition and conversion, money, transportation, warehousing and distribution, training, operation and maintenance and disposition or resale.

(b) The department may select a bid under this subsection from a bidder who is not the lowest initial cost bidder.

SECTION 72. 16.75 (6) (b) of the statutes is amended to read:

16.75 (6) (b) The governor may issue a general waiver covering a fiscal period of one year or any shorter period of time under this subsection with respect to purchase of specified materials, supplies, equipment ~~and or~~ contractual services, except printing and stationery, from private sources when the governor deems such action to be in the best interest of the state, and may impose such conditions and restrictions on the waiver as he or she deems appropriate or necessary. Each general waiver shall be entered on a record, as specified in sub. (1) (a), which shall be open to public inspection.

SECTION 73. 16.77 of the statutes is amended to read:

16.77 Audit of bills; illegal contracts; actions to recover. (1) No bill or statement for work or labor performed under purchase orders or contracts issued by the secretary or his the secretary's designated agents, and no bill or statement for supplies, materials, equipment or contractual services purchased for and delivered to any office shall may be paid until such the bill or statement shall have been is approved by the secretary or one of his or her designated agents.

(2) Whenever any officer or any subordinate of ~~such an officer shall contract~~ contracts for the purchase of supplies, material, equipment or contractual services contrary to ss. 16.71 to 16.82 or the rules made pursuant thereto, such the contract shall be is void, and any such officer ~~shall be or subordinate is~~ liable for the cost thereof, and if such supply, material, equipment or contractual services so unlawfully purchased has have been paid for out of public moneys, the amount thereof may be recovered in the name of the state in an action filed by the attorney general against such the officer or subordinate and his bondsmen or her bonders. Such cause of action ~~shall be is~~ deemed to have arisen in Dane county, and summons shall be served therein as in civil actions.

SECTION 73m. 16.82 (5) of the statutes is amended to read:

16.82 (5) Shall develop and implement a comprehensive ride-sharing program for state employes, in cooperation with the legislature, the courts and all constitutional offices, departments and independent agencies and shall promote and encourage participation in the state ride-sharing program. In addition, the department shall promote and encourage among departments and their employes alternate means of transportation for state, municipal and federal employes and other persons in the private sector including but not limited to mass transit, bicycle commuting, car pooling and van pooling; and may provide contract group transportation of state employes from designated pickup points to work sites and return in the absence of convenient and public scheduled transportation. Nonstate employes may be permitted to participate in van pools as passengers when necessary in order to provide viable van pool service for state employes. Van pools are limited to a maximum of one-third nonstate employes for each vehicle. The group transportation shall be provided for a fee which recovers the full cost of maintenance, operation, insurance and depreciation. ~~An employe shall be~~ No person is deemed ~~not~~ to be in the course of employment while utilizing the group transportation.

SECTION 74. 16.83 (2) (intro.), (c) and (d) of the statutes are amended to read:

16.83 (2) (intro.) **POWERS AND DUTIES.** No renovation, repairs except repairs of an emergency nature, installation of fixtures, decorative ~~furniture items~~ or furnishings for the grounds and buildings of the capitol or executive residence may be performed by or become the property of the state by purchase wholly or in part from state funds, or by gift, loan or otherwise until approved by the board as to design, structure, composition and appropriateness. The board shall:

(c) ~~Insure~~ Ensure the architectural and decorative integrity of the buildings, fixtures, decorative ~~furniture~~ items, furnishings and grounds of the capitol and executive residence by setting standards and criteria for subsequent repair, replacement and additions.

(d) Accept for the state donations or loans of ~~furniture~~, furnishings, works of art or other decorative items and ~~equipment~~ fixtures consistent with par. (c).

SECTION 75. 16.84 (3) of the statutes is repealed.

SECTION 75m. 16.84 (12) of the statutes is created to read:

16.84 (12) Provide for the establishment of procedures for the operation of the department's facility operations and maintenance appropriation under s. 20.505 (1) (kf) so that:

(a) There is a uniform revenue billing and expenditure allocation process for all state buildings whose operation and maintenance costs are financed from this appropriation;

(b) Expenditure projections are made at a uniform time for all buildings in setting revenue billing rates; and

(c) Whenever revenue billing rates need to be adjusted, the changes are made on a uniform basis for all buildings.

SECTION 75r. 16.84 (13) of the statutes is created to read:

16.84 (13) Establish bicycle storage racks adjacent to the capitol and all state office buildings.

SECTION 76. 16.843 (2) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

16.843 (2) Except for ~~persons designated as authorized~~ in sub. (3), the parking of any motor vehicle in any of the 4 driveways of the capitol park leading to the capitol building is prohibited. Parking of any motor vehicle on the grounds of any of the state office buildings shall be in accordance with rules and orders established by the department. The department shall ~~by rule~~ establish a schedule of fees for parking during the state office hours specified in s. 230.35 (4) (f) at every state-owned office building, excluding the capitol for which the department has managing authority and which is located in a municipality served by an urban mass transit system for which state operating assistance is provided under s. 85.05. The department may, by rule, prescribe a schedule of fees for parking during other hours at any state-owned office building located in such a municipality. In addition, the department may establish fees for parking at other state facilities located in such a municipality. Fees established under this subsection shall be based upon the land cost, maintenance cost and construction cost of the parking facility for which the fees are assessed established so that the total amount collected equals the total cost of the parking program administration and parking facility maintenance and operation. Any person violating this subsection or any rule or order adopted pursuant thereto shall be fined not more than \$25 or imprisoned not more than 10 days. Vetoed
in Part

SECTION 77. 16.85 (1) of the statutes is amended to read:

16.85 (1) To take charge of and supervise all engineering or architectural services or construction work as defined in s. 16.87 performed by, or for, the state, or any department, board, institution, commission or officer thereof, including nonprofit-sharing corporations organized for the purpose of assisting the state in the construction and acquisition of new buildings or improvements and additions to existing buildings as contemplated under ss. 13.488, 36.09 and 36.11, except the engineering, architectural and construction work of the department of transportation and the engineering service performed by the department of industry, labor and human relations, department of revenue, public service commission, department of health and social services and other departments, boards and commissions when ~~such~~ the service is not related to the maintenance, construction and planning of the physical properties of the state;

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SECTION 78. 16.865 (4) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 16.865 (5) and amended to read:

16.865 (5) ~~In cooperation with the commissioner of insurance, arrange~~ Arrange appropriate insurance contracts for the transfer of ~~the remaining risk of loss on the part of the state or its employes, to the extent such loss cannot reasonably be assumed by the individual agencies, to the appropriate state insurance fund.~~ ~~If the commissioner of insurance concurs that coverage is not available through the state insurance fund then the department shall procure for the agencies such necessary coverage from a commercial insurer.~~ ~~The department shall provide assistance necessary in all technical aspects of arrangements with commercial insurers or the self-funded programs.~~ The placement of insurance may be by private negotiation rather than competitive bid, if such insurance has a restricted number of interested carriers. The department shall approve all insurance purchases.

SECTION 79. 16.865 (4) of the statutes is created to read:

16.865 (4) Manage statewide self-funded programs to protect the state from losses due to liability and damage to state property.

SECTION 80. 16.865 (5) and (6) of the statutes are renumbered 16.865 (6) and (7).

SECTION 81. 16.87 of the statutes is amended to read:

16.87 Approval of contracts by secretary and governor; audit. ~~Every (2) A contract for engineering or service, architectural service and every or environmental consultant service or a contract involving an expenditure of \$2,500 or more for construction work, or \$10,000 or more for limited trades work, to be done for, or furnished to the state, or any a department, board, commission or officer thereof, shall be of the state is exempt from the requirements of ss. 16.705 and 16.75, and shall, before it becomes,~~

(3) ~~A contract under sub. (2) is not valid or effectual for any purpose, have indorsed thereon until it is endorsed in writing the approval thereof of and approved by the secretary or a the secretary's designated assistant, and all such contracts, if the contract involves an expenditure over \$15,000 shall also have approval of \$30,000, approved by the governor, and no. No payment or compensation for work done under any contract involving \$2,500 or more, except a highway contracts, shall contract, may be made unless the written claim therefor is audited and approved by the secretary or a the secretary's designee. Any change orders to contracts order to a contract requiring approval under this section shall require subsection requires the prior approval by the secretary or a the secretary's designated assistant, and any such, if the change orders order involves an expenditure over \$15,000 shall also have \$30,000, the approval of the governor.~~

SECTION 82. 16.87 (1) (intro.), (b) and (c) of the statutes are created to read:

16.87 (1) (intro.) In this section:

(b) "Environmental consultant services" means services specified under s. 23.40 (5).

(c) "Limited trades work" has the meaning given under s. 16.70 (2).

~~SECTION 82m. 16.957 of the statutes is created to read:~~

~~16.957 Energy conservation education grant program and information on federal funding. (1) There is created an energy conservation education grant program funded under s. 20.505 (1) (dm) and administered by the secretary. The purpose of the program is to support the development and delivery of energy conservation education projects by state agencies under a priority system established by the department. The department shall promulgate rules on the criteria under which grants under this section shall be awarded.~~

~~(2) The department shall distribute to school boards of public school districts and to vocational, technical and adult education district boards information on federal funding available for remodeling projects to promote energy efficiency.~~

Vetoed
in Part

~~SECTION 82p. 16.958 of the statutes is created to read:~~

~~16.958 Extension education goals. The department annually shall develop a written statement of educational priorities and technical needs for the university of Wisconsin system-extension energy service program and submit a copy of the statement to the university of Wisconsin system-extension for use under s. 36.25 (22).~~

Vetoed
in Part

SECTION 82r. 16.959 of the statutes is created to read:

16.959 Wind energy. The department shall promote the use of wind energy systems as defined in s. 101.57 (8) (d). The department's activities related to wind energy shall include, without limitation because of enumeration:

(1) **GENERAL DUTIES.** (a) Gathering and disseminating information on wind characteristics and the economic feasibility of using wind energy systems in the state.

(b) Offering assistance to persons interested in installing a wind energy conversion system.

(c) Training university of Wisconsin system extension staff to assist persons interested in siting wind energy conversion systems.

(d) Publishing a list, at intervals not to exceed 6 months, of reputable manufacturers and distributors of wind energy conversion systems in the upper midwest region of the United States.

(2) **ANEMOMETER LOAN PROGRAM.** (a) Purchasing anemometers with the funds appropriated under s. 20.505 (1) (e). The recording device accompanying the anemometer shall be capable of automatically calculating the average wind speed at intervals not to exceed one minute or capable of recording the amount of electricity that would be generated at the site of the anemometer.

(b) Making the anemometers purchased under par. (a) available for periods of up to 18 months to persons in the state interested in assessing the wind energy potential on their property. Each person who receives an anemometer through the loan program shall pay a fee of \$50.

(c) Publishing annually a report of the findings from the anemometer readings collected as a result of the loan program.

SECTION 83. 16.97 (1) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

16.97 (1) The department shall ensure that an adequate level of data processing services is made available to all state agencies by establishing and monitoring the activities of regional data processing service centers and by providing systems analysis and application programming services to augment agency resources, as requested. The department shall also ensure that state agencies make effective and efficient use of the computing resources of the state. The department shall establish policies, procedures and planning processes which the state agencies and regional data processing service centers shall follow. The department shall monitor adherence to these policies, procedures and processes.

SECTION 84. 16.97 (4) (c) 1 of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

16.97 (4) (c) 1. "Computer programs" are the processes for the treatment and verbalization of data ~~themselves, which are public records.~~

SECTION 85. 17.07 (3) of the statutes is amended to read:

17.07 (3) State officers appointed by the governor for a fixed term by and with the advice and consent of the senate, or appointed by any other officer or body for a fixed term subject to the concurrence of the governor, by the governor at any time, for cause; ~~but the commissioner of banking and state auditor may be so removed only by and with the consent of a majority of the members of the senate.~~

SECTION 86. 17.07 (4) of the statutes is renumbered 17.07 (5).

SECTION 87. 17.07 (4) of the statutes is created to read:

17.07 (4) State officers appointed by the governor with the advice and consent of the senate to serve at the pleasure of the governor, or appointed by any other officer or body for an indefinite term subject to the concurrence of the governor, by the governor at any time.

SECTION 88. 17.07 (5) of the statutes is renumbered 17.07 (6).

SECTION 88m. 17.27 (1m) of the statutes is created to read:

17.27 (1m) METROPOLITAN SEWERAGE COMMISSION. Vacancies in the office of any directly elected member of a metropolitan sewerage commission under s. 66.23 (11) (am) shall be filled by temporary appointment of the governor until a successor is elected and qualified. A successor shall be elected in the manner prescribed for filling vacancies in elective city offices under s. 17.23 (1) (a).

SECTION 89. 19.21 (2) of the statutes is amended to read:

19.21 (2) Except as expressly provided otherwise, any person may with proper care, during office hours and subject to such orders or regulations as the custodian thereof prescribes, examine or copy any of the property or things mentioned in sub. (1). Any person may, at his or her own expense and under such reasonable regulations as the custodian prescribes, copy or duplicate any materials, including but not limited to blueprints, slides, photographs and drawings. Duplication of university expansion materials may be performed away from the office of the custodian if necessary. Computer programs, as defined in s. 16.97 (4) (c), are not subject to examination under this subsection, but the data stored in the memory of a computer is subject to the right of examination and copying.

SECTION 90. 19.42 (13) (c) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

19.42 (13) (c) All positions identified under s. 20.923 (2), (4), (6) (f), (g) and (h), (8), (9), (10), and (13) and (14), except clerical positions.

SECTION 91. 19.43 (4) of the statutes is amended to read:

19.43 (4) A candidate for state public office shall file a statement of economic interests with the board no later than the end of the 3rd day following the deadline for filing nomination papers for the office for which the person is a candidate, or the end of the 3rd day following the deadline for filing a declaration of acceptance in the case of a write-in candidate, unless the person has previously filed a statement of economic interests with the board containing information current as of, or subsequent to, December 31 of the year preceding the deadline for filing nomination papers for the office for which the person is a candidate. The information contained on such the statement shall be current as of December 31 of the year preceding year the filing deadline. Before certifying the name of any candidate for state public office under s. 7.08 (2) (a), the elections board shall ascertain whether that candidate has complied with this subsection. If not, the elections board shall mail that candidate a notice by certified mail with return receipt requested informing the person that his or her name will not appear on the ballot unless a statement of economic interests is filed. If the statement is not filed within 3 days after the date on which the return receipt is received, the candidate's name may not be certified for ballot placement.

~~SECTION 91b. 19.82 (1) of the statutes is renumbered 19.82 (2) and amended to read:~~

Vetoed
in Part

~~19.82 (2) "Governmental body" means a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order; a governmental or quasi-governmental corporation or a partisan caucus of members of the legislature; a formally constituted subunit of any~~

of the foregoing, or 3 or more cabinet officers, but excludes any such body or committee or subunit of such body which is formed for or meeting for the purpose of collective bargaining under subch. IV or V of ch. 111.

SECTION 91d. 19.82 (1) of the statutes is created to read:

19.82 (1) "Cabinet officer" means a constitutional officer designated in s. 8.25 (4) (a), a secretary appointed under s. 15.05 (1) or a commissioner designated in s. 15.06 (1) (b) or (c).

SECTION 91g. 19.82 (2) of the statutes is renumbered 19.82 (3) and amended to read:

19.82 (3) "Meeting" means the convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. A "meeting" includes any convening of the members of a partisan caucus of the legislature. "Meeting" also means the convening of 3 or more cabinet officers for the purpose of discussing the exercise of responsibility, authority, power or duties delegated to or vested in the governor or in any state agency. The term does not include any social or chance gathering or conference which is not intended to avoid this subchapter.

SECTION 91k. 19.82 (3) of the statutes is renumbered 19.82 (4).

SECTION 91kd. 19.86 of the statutes is amended to read:

19.86 Notice of collective bargaining negotiations. Notwithstanding s. 19.82 (4) (2), where notice has been given by either party to a collective bargaining agreement under subch. IV or V of ch. 111 to reopen such agreement at its expiration date, the employer shall give notice of such contract reopening as provided in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given by the employer's chief officer or such person's designee.

SECTION 91km. 19.87 (intro.) of the statutes is amended to read:

19.87 Legislative meetings. (intro.) This subchapter ~~shall apply~~ applies to all meetings of the senate and assembly and the partisan caucuses, committees, subcommittees and other subunits thereof, except that.

SECTION 91n. 19.87 (2) of the statutes is repealed and recreated to read:

19.87 (2) Section 19.84 does not apply to a partisan caucus of members of the legislature which is called less than 24 hours prior to the time set for the caucus.

SECTION 91r. 19.87 (3) of the statutes is repealed and recreated to read:

19.87 (3) No provision of this subchapter applies to any partisan caucus of the senate or any partisan caucus of the assembly held for the sole purpose of discussion of partisan strategy or personnel matters or except as otherwise provided by legislative rule. This subchapter applies to all other partisan caucuses of members of the legislature.

SECTION 91q. 19.89 of the statutes is renumbered 19.90 and amended to read:

19.90 Exclusion of members. No duly elected or appointed member of a governmental body may be excluded from any meeting of such body. Unless the rules of a governmental body provide to the contrary, no member of the body may be excluded from any meeting of a subunit of that governmental body. This section does not apply to a meeting of cabinet officers.

SECTION 91t. 19.89 of the statutes is created to read:

19.89 Cabinet officers. For purposes of this subchapter, those cabinet officers who participate or attempt to participate in a meeting shall be considered members of a governmental body, the membership of which is limited to those officers.

Vetoed
in Part

Vetoed
in Part

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Vetoed in Part SECTION 91w. 19.90 of the statutes is renumbered 19.91

SECTION 92. At the appropriate place in the schedule in section 20.005 of the statutes, insert the following amounts for the purposes indicated:

			1979-80	1980-81
Vetoed in Part	20.115 Agriculture, trade and consumer protection, department of			
	(1) FOOD AND TRADE REGULATION			
	(c) Energy efficiency testing	GPR A	75,000	57,900
Vetoed in Part	20.255 Public instruction, department of			
	(4) AIDS FOR PRIVATE SCHOOL PUPILS			
	(bd) Aids for handicapped education	GPR A	-0-	-0-
	(fg) Aid for pupil transportation	GPR B	-0-	-0-
Vetoed in Part	20.285 University of Wisconsin system			
	(1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE			
	(e) Controlled substances therapeutic research program	GPR A	-0-	25,080
Vetoed in Part	20.370 Natural resources, department of			
	(1) RESOURCE MANAGEMENT			
	(ba) Wildlife management - toxic spot study	GPR C	58,000	-0-
	(3) ENFORCEMENT			
	(ms) General program operations - state funds supplement	SEG A	287,200	-0-
	(4) LOCAL SUPPORT			
	(ce) Environmental aids - nonpoint source local implementation aids	GPR B	-0-	166,200
Vetoed in Part	20.395 Transportation, department of			
	(1) AIDS			
	(au) Swing and lift bridges, state funds	SEG A	-0-	1,448,200
Vetoed in Part	20.435 Health and social services, department of			
	(1) HEALTH SERVICES PLANNING, REGULATION AND DELIVERY			
	(r) Agent orange victims	SEG A	-0-	125,000
	(2) COMMUNITY SERVICES			
	(de) Foster parent liability insurance	GPR A	-0-	80,000
Vetoed in Part	20.445 Industry, labor and human relations, department of			
	(1) INDUSTRY, LABOR AND HUMAN RELATIONS			
	(cm) Aids for county private sewage system programs	GPR A	-0-	-0-
Vetoed in Part	20.505 Administration, Department of			
	(1) ADMINISTRATIVE SUPERVISION AND MANAGEMENT SERVICES			
	(da) Energy conservation education grants	GPR A	-0-	140,980
	(e) Anemometer purchase and installation	GPR C	15,000	-0-
Vetoed in Part	20.525 Office of the governor			
	(4) OMBUDSMAN AND ADVOCACY ACTIVITIES			
	(a) Governor's ombudsman program for aging and disabled	GPR A	55,600	245,500
	(b) Advisor and program on women's initiatives	GPR A	17,600	72,000
	(c) Advisor and program on minority ethnic initiatives	GPR A	17,600	72,000
Vetoed in Part	20.530 Executive programs			
	(2) COUNCIL ON CRIMINAL JUSTICE			
	(a) Planning and administration match, state operations	GPR A	88,600	218,900
	(b) Planning and administration match, local assistance	GPR A	18,000	197,500
	(c) Criminal justice improvement			

	project match, local assistance	GPR A	223,000	-0-
(d)	Criminal justice improvement project match, state operations	GPR A	134,400	-0-
(e)	Criminal justice improvement project match, aids to organizations	GPR A	117,300	-0-
20.665 Judicial commission				
(1)	JUDICIAL CONDUCT			
(c)	Contractual agreements	GPR B	-0-	40,000
20.865 Program supplements				
(2)	CONTRACTUAL SERVICES			
(eb)	Executive residence furnishings replacement	GPR C	50,000	28,200
20.866 Public debt				
(2)	CAPITAL IMPROVEMENT AUTHORIZATIONS			
(tv)	Natural resources; general tax supported administrative facilities	BR C	2,395,800	-0-
(zg)	Historical society, museum facility	BR C	1,000,000	-0-

~~SECTION 92m. 20.115 (1) (c) and (gm) of the statutes are created to read:
20.115 (1) (c) *Energy efficiency testing*. The amounts in the schedule to fund a laboratory and personnel for testing products under ss. 100.21 and 100.42.
(gm) *Testing fee*. All moneys received under s. 100.21 (5) (c) for testing products under s. 100.21.~~

Vetoed
in Part

SECTION 93. 20.115 (5) (h) of the statutes is amended to read:

20.115 (5) (h) *State fair operations*. All moneys received for or on account of the state fair, state fair park or other events for general program operations. Any surplus of unexpended receipts Of the amount included for general program operations, the state fair park board may use an amount determined by the department of administration to maintain a contingent fund in the state's working bank during the period from one month prior to the beginning until one month after the end of the state fair for the payment of claims incurred in the operation of the state fair, to be expended and accounted for insofar as applicable under s. 20.920. The unencumbered balance of this appropriation on June 30 of each year shall be transferred to the appropriation under par. (i).

SECTION 94. 20.145 (3) (intro.), and (v), as affected by chapter 34, laws of 1979, of the statutes are amended to read:

20.145 (3) (title) LOCAL GOVERNMENT PROPERTY INSURANCE FUND. (intro.) All moneys paid into the state local government property insurance fund under ch. 605, for the following purposes:

(v) *Operations and benefits*. After deducting the amounts appropriated under par. (u), the balance of moneys in the state local government property insurance fund, for the payment of insurance losses, payments to the investment board under s. 20.536, payments to the general fund under s. 601.93 (3), loss adjustment expenses, fire rating bureau dues and the cost to purchase reinsurance under s. 604.04 (6).

SECTION 94d. 20.145 (6) (u) and (v) of the statutes, as affected by chapters 34 and 109, laws of 1979, are amended to read:

20.145 (6) (u) *Insurance security fund*. All moneys paid into the insurance security fund under ch. 646, ~~excluding the temporary worker's compensation insurance security fund under s. 646.71;~~ to carry out the purposes of the insurance security fund under ch. 646.

(v) *Temporary worker's compensation insurance fund*. All moneys paid into the temporary worker's compensation insurance security fund ~~under s. 646.71;~~ to carry out the purpose of ~~the temporary fund~~ chapter (this act), laws of 1979, section 2026 (5).

SECTION 94m. 20.235 (1) (m) of the statutes is created to read:

Partial
Veto
Overruled

Partial
Veto
Overruled

20.235 (1) (m) *Federal aid; grants.* All federal special allowance moneys as received from the additional purpose fund of student loan revenue obligation bonds and governed by 1978 Wisconsin building commission resolution 5, adopted June 20, 1978, for the purposes of s. 39.435.

SECTION 95. 20.235 (2) (ia) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.235 (2) (ia) *Centralized lender collections, fees.* All moneys received from institutions, lenders, agencies and secondary market purchasers for or related to the collection or administration of student loan programs to be used for general program operations. The unencumbered balance of this appropriation on June 30 of each year shall lapse to the general fund.

SECTION 95d. 20.245 (1) (e) of the statutes is amended to read:

20.245 (1) (e) *Principal repayment and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of facilities ~~for his-
toric sites of the historical society.~~

SECTION 95m. 20.250 (1) (a) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.250 (1) (a) *General program operations.* The amounts in the schedule for medical education, teaching and research as provided under s. 39.155. An amount of \$7,998 in 1979-80 and \$8,558 in 1980-81 shall be disbursed under s. 39.155 for each Wisconsin resident enrolled as a student in pursuit of a doctor of medicine (M.D.) degree. The maximum number of Wisconsin residents to be funded under this appropriation are as follows: in 1979-80, 496 and in 1980-81, 496 514. The number of Wisconsin residents enrolled in the class entering the college in 1980-81 and each year thereafter to be funded under this appropriation shall be determined by multiplying the total number of students enrolled in that class by 0.62, but may not exceed 124.

~~SECTION 96. 20.255 (1) (bd) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:~~

Vetoed
in Part

~~20.255 (1) (bd) *Aids for handicapped education.* The amounts in the schedule for the payment of aids under ss. 115.88 (1) to (6) and 118.255.~~

SECTION 96e. 20.255 (1) (cc) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.255 (1) (cc) *General equalization aids.* The amounts in the schedule for the payment of educational aids provided in subchs. II and VI of ch. 121, less the amounts charged to the ~~appropriation~~ appropriations under ~~par. pars. (cd) and (ce)~~ and less the amounts received as applied receipts under par. (fj).

SECTION 96m. 20.255 (1) (cd) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.255 (1) (cd) *General aid; federal revenue sharing.* A sum sufficient equivalent to the revenue amount appropriated by the U.S. congress for federal fiscal years commencing before October 1, 1980, and received by this state under the state and local fiscal assistance act of 1972 (P.L. 92-512), as amended by P.L. 94-488, and interest thereon to be used for the payment of educational aids provided under sub.ch. II of ch. 121. This appropriation shall be fully utilized annually and the balance of any aid payments due under subch. II of ch. 121 shall be charged to the appropriation under par. (cc).

SECTION 96s. 20.255 (1) (ce) of the statutes is created to read:

20.255 (1) (ce) *General equalization aid supplement.* A sum sufficient for 1980-81 only, equivalent to the amount determined by the joint committee on finance for the appropriation under par. (cc) under chapter (this act), laws of 1979, section 2043 (9) (b) 3 to be used for the payment of educational aids provided under subch. II of ch. 121.

SECTION 97. 20.255 (1) (dd) of the statutes, as affected by chapter 34, laws of 1979, is repealed.

SECTION 97m. 20.255 (1) (fe) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.255 (1) (fe) *Aids for school lunches and elderly nutrition.* A sum sufficient for the payment of school lunch aids to school districts under s. 115.34 ~~(1)~~ (2) and for nutritional improvement for the elderly under s. 115.345.

SECTION 97t. 20.255 (1) (fg) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.255 (1) (fg) *Aid for pupil transportation.* Biennially, the amounts in the schedule for the payment of state aid for transportation of public school pupils under subch. IV of ch. 121.

SECTION 97w. 20.255 (4) of the statutes is created to read:

20.255 (4) AID FOR PRIVATE SCHOOL PUPILS. (bd) *Aids for handicapped education.* The amounts in the schedule for the payment of aids for private school pupils under s. 115.88 and 118.255.

(fe) *Aids for school lunches.* A sum sufficient for the payment of school lunch aids to private schools under s. 115.34 (2).

(fg) *Aid for pupil transportation.* Biennially, the amounts in the schedule for the payment of state aid for transportation of private school pupils under subch. IV of ch. 121.

SECTION 98. 20.285 (1) (a) of the statutes, as affected by chapter 34, laws of 1979, is repealed and recreated to read:

20.285 (1) (a) *General program operations.* 1. The amounts in the schedule for the purpose of the educational and related programs which are further allocated by organizational cluster as follows: [See Figure 20.285 (1) (a) 1. following]

Figure: 20.285 (1) (a) 1.

Organizational Cluster		1979-80	1980-81
Doctoral campuses	GPR	151,216,100	152,577,700
	Academic fees	57,622,300	58,058,600
University campuses	GPR	123,444,800	123,564,400
	Academic fees	48,098,500	48,098,500
Center system	GPR	11,459,300	11,496,700
	Academic fees	4,183,500	4,186,700
Extension	GPR	21,966,800	22,388,100
	Academic fees	1,005,200	1,008,300
Central administration	GPR	4,839,500	4,839,500
	GPR	4,825,500	5,273,300
Systemwide	GPR	7,467,600	17,093,500
	Academic fees		
[TOTAL	GPR	317,752,000	320,139,700]
	Academic fees	118,377,100	128,445,600]
[GRAND TOTAL		(436,128,100)	(448,585,300)]

2. Transfers between the allocations under subd. 1 are permitted under s. 16.50. In addition, transfers between subprograms shall be reported quarterly to the department of administration. Funds for these subprograms shall be allocated as follows: [See Figure 20.285 (1) (a) 2. following]

Figure: 20.285 (1) (a) 2.

Subprograms		1979-80	1980-81
Instruction	GPR	134,835,800	135,287,000
	Academic fees	118,377,100	128,445,600
Research	GPR	22,870,600	23,254,800

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Public service	GPR	18,036,800	18,373,200
Academic support			
Libraries and media	GPR	31,693,600	32,092,800
Farm operations	GPR	1,636,000	1,636,200
Student and auxiliary services			
Student services	GPR	22,348,900	22,452,600
Auxiliary ent.	GPR	2,883,600	2,885,900
Institutional support			
Physical plant	GPR	46,455,200	47,135,400
Gen. op. and service	GPR	36,991,500	37,021,800
TOTAL	GPR	317,752,000	320,139,700]
Academic fees		118,377,100	128,445,600]
GRAND TOTAL		(436,129,100)	(448,585,300)]

Vetoed in Part SECTION 98m. 20.285 (1) (c) of the statutes is created to read:
20.285 (1) (c) *Controlled substances therapeutic research program.* The amounts in the schedule to fund a research program under s. 146.90.

Vetoed in Part SECTION 98p. 20.370 (1) (ba) of the statutes is created to read:
20.370 (1) (ba) *Wildlife management — toxic shot study.* As a continuing appropriation, from the general fund, the amounts in the schedule to study the need for nontoxic shot requirements and the incidents of toxic shot contamination.

SECTION 98g. 20.370 (1) (ba) of the statutes, as created by chapter ... (this act), laws of 1979, is repealed.

SECTION 99. 20.370 (1) (kc) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.370 (1) (kc) *Resource acquisition and development — principal repayment and interest.* From moneys allocated under sub. (7) (aa), a sum efficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development or enlargement of state recreation facilities but not including payments made under sub. (4) (jb). This appropriation shall and sub. (4) (jb) have priority over all other allocations made from sub. (7) (aa) and such the other allocations shall be prorated if necessary, to meet the requirements of this paragraph.

SECTION 100. 20.370 (2) (aj) of the statutes, as created by chapter 34, laws of 1979, is repealed.

SECTION 101. 20.370 (2) (bj) of the statutes is created to read:

20.370 (2) (bj) *Environmental damage compensation.* All moneys including interest received under s. 147.23 or as a settlement to any action initiated or contemplated under s. 147.23 to remove, terminate or remedy the adverse effects of any discharge or deposit, to restore or develop the water environment for public use or to provide grants under s. 66.365 consistent with any court order issued under s. 147.23 (3).

SECTION 101m. 20.370 (3) (ma) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.370 (3) (ma) *General program operations — state funds.* From the general fund, the amounts in the schedule for regulatory and enforcement operations under chs. 30, 31, 144, 147 and 162 and ss. 59.971, 87.30 and 144.26 and for reimbursement of the conservation fund for expenses incurred for actions taken under executive order number 17, issued May 18, 1979.

SECTION 102. 20.370 (3) (ms) of the statutes is created to read:

20.370 (3) (ms) *General program operations — state funds supplement.* The amounts in the schedule, if authorized by the department of administration, to supplement the appropriation under par. (mu).

SECTION 103. 20.370 (3) (ms) of the statutes, as created by chapter ... (this act), laws of 1979, is repealed.

SECTION 103m. 20.370 (4) (ab) of the statutes, as affected by chapter 34, laws of 1979, is repealed.

SECTION 103r. 20.370 (4) (ac) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

20.370 (4) (ac) *Resource aids - conservancy zone grant program.* ~~From~~ Biennially, from the general fund, the amounts in the schedule for the conservancy zone grant program.

SECTION 103t. 20.370 (4) (bt) of the statutes is created to read:

20.370 (4) (bt) *Snowmobile trail areas — motor fuel tax aids.* From the transportation fund, an amount equal to the estimated snowmobile gas tax payment. The estimated snowmobile gas tax payment is calculated by multiplying the number of snowmobiles registered under s. 350.12 on January 1 of the previous fiscal year by 50 gallons, multiplying that product by the excise tax imposed under s. 78.01 (1) and from that final product subtracting the amount of refunds claimed under s. 78.75 for gasoline used in snowmobiles during the previous fiscal year.

SECTION 104m. 20.370 (4) (ce) of the statutes is created to read:

20.370 (4) (ce) *Environmental aids — nonpoint source local implementation aids.* From the general fund, biennially, the amounts in the schedule for financial assistance to designated management agencies for the implementation of the nonpoint source grant program under s. 144.25.

SECTION 105. 20.370 (4) (da) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.370 (4) (da) *Environmental planning aids — local water quality planning.* Biennially, from the general fund, the amounts in the schedule to provide state assistance to designated local agencies ~~under section 208 of the federal water pollution control act amendments of 1972, P.L. 92-500, 86 Stat. 816.~~ For each designated local agency, the state assistance provided under this paragraph shall be equal to one sixth of the current annual grant amount received by the designated local agency from the federal environmental protection agency for water quality planning activities ~~under section 208 of the federal act s. 144.235.~~

SECTION 105m. 20.370 (4) (fc) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

20.370 (4) (fc) *Enforcement aids — floodplain and shoreland mapping.* ~~From~~ Biennially, from the general fund, the amounts in the schedule for floodplain and shoreland mapping assistance to counties, cities and villages under s. 87.31.

SECTION 106. 20.370 (4) (jb) of the statutes is created to read:

20.370 (4) (jb) *Debt service — recreational boating bonds.* From moneys allocated under sub. (7) (aa), a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in assisting municipalities in the acquisition, construction, development, enlargement or improvement of recreational boating facilities under s. 30.92.

SECTION 107. 20.370 (8) (iq) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.370 (8) (iq) *Natural resources magazine.* All moneys received from subscriptions and other fees collected by the department under s. 29.21 (1), to be used to publish "Wisconsin natural resources".

SECTION 108. 20.370 (8) (jg) of the statutes is created to read:

20.370 (8) (jg) *Environmental impact — consultant services.* All moneys received under s. 23.40 (3) (d) which are designated as related to the cost of authorized environmental consultant services, to pay for those services.

SECTION 108g. 20.395 (1) (as) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.395 (1) (as) *Connecting highways, state funds.* ~~A sum sufficient~~ The amounts in the schedule to make payments for connecting highways ~~and swing and lift bridges thereon~~ for the purpose of s. 86.32.

SECTION 108r. 20.395 (1) (au) of the statutes is created to read:

20.395 (1) (au) *Swing and lift bridges, state funds.* The amounts in the schedule to make payments for swing and lift bridges on connecting highways for purposes of s. 86.32.

SECTION 111. 20.395 (1) (er) of the statutes, as created by chapter 34, laws of 1979, is renumbered 20.395 (6) (as), and 20.395 (6) (as) (title), as renumbered, is amended to read:

20.395 (6) (as) (title) *Principal repayment and interest, harbor improvements, state funds.*

SECTION 111m. 20.395 (2) (aq) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

20.395 (2) (aq) *Railroad continuation, state funds.* The amounts in the schedule for rail ferry and rail commuter services transportation aids under s. 85.08 (4) and rail branch line operating assistance under s. 85.08 (4m) (d).

~~SECTION 111r. 20.395 (5) (aq) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:~~

Vetoed
in Part

~~20.395 (5) (aq) *Departmental management and operations, state funds.* The amounts in the schedule for departmental planning and administrative activities, including those activities in s. 85.07 and including \$120,000 to reimburse the department of justice for legal services provided the department under s. 165.25 (4) and including an amount sufficient to reimburse the joint legislative council for expenses incurred under s. 13.85.~~

SECTION 112. 20.395 (5) (bq) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

20.395 (5) (bq) *Facilities and services management, state funds.* The amounts in the schedule for the administration and management of departmental programs under subs. (1) to (4) and the mass transit planning and technical assistance program under s. 85.06.

SECTION 113. 20.395 (5) (bv) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.395 (5) (bv) *Facilities and services management, local funds.* All moneys received from any local unit of government or other source for the administration and management of departmental programs under subs. (1) to (4) and the mass transit planning and technical assistance program under s. 85.06, for such purposes.

SECTION 114. 20.395 (5) (bx) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

20.395 (5) (bx) *Facilities and services management, federal funds.* All moneys received from the federal government for the administration and management of departmental programs under subs. (1) to (4) and the mass transit planning and technical assistance program under s. 85.06, for such purposes.

SECTION 114g. 20.395 (5) (fa) of the statutes, as created by chapter 34, laws of 1979, is renumbered 20.395 (5) (fq) and amended to read:

20.395 (5) (fq) *Traffic violation and registration program, state funds.* ~~Biennially, from the general fund,~~ As a continuing appropriation, the amounts in the schedule for the traffic violation and registration program under ss. 341.08 (4m), 341.10 (7) and 345.47 (1) (d).

SECTION 114r. 20.395 (9) (ar) of the statutes is created to read:

20.395 (9) (ar) *Connecting highways, swing and lift bridges and highway maintenance adjustments.* Commencing with the 1981-83 biennial budget bill and biennially thereafter, the department shall request adjustments to the appropriations under sub. (1) (as) and (au) to reflect the percentage of change attributed to inflation. The percentage attributable to inflation shall be the same percentage which the department has requested as an inflationary rate adjustment to the appropriation under sub. (3) (eq).

SECTION 118g. 20.435 (1) (b) of the statutes, as affected by chapter 34, laws of 1979, is repealed and recreated to read:

20.435 (1) (b) *Medical assistance program benefits.* A sum sufficient to provide the state share of medical assistance program benefits administered under s. 49.45.

SECTION 118r. 20.435 (1) (bm) of the statutes is created to read:

20.435 (1) (bm) *Medical assistance administration.* A sum sufficient to provide the state share of administrative contract costs for the medical assistance program under s. 49.45. This appropriation may not be used to fund contracts with state agencies. No state positions may be funded in the department of health and social services from this appropriation.

SECTION 119. 20.435 (1) (cm) of the statutes, as created by chapter 34, laws of 1979, is repealed.

SECTION 120. 20.435 (1) (g) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 20.435 (1) (k).

SECTION 121. 20.435 (1) (gm) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.435 (1) (gm) *Licensing activities.* All moneys received under ~~chs. ch.~~ 69 and 145 and ss. 50.50 to 50.85, 140.05 (17), 140.45 (6) and 143.15 (7) to be used for the purposes specified in such provisions.

SECTION 122m. 20.435 (1) (h) of the statutes is created to read:

20.435 (1) (h) *Radiation monitoring.* All moneys received from the fees charged nuclear power plants under s. 140.61, to be used for radiation monitoring under that section.

SECTION 123. 20.435 (1) (hm) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 20.435 (1) (km).

SECTION 123m. 20.435 (1) (r) of the statutes is created to read:

20.435 (1) (r) *Agent orange victims.* From the veterans trust fund the amounts in the schedule to assist Vietnam veterans exposed to agent orange. The funds appropriated under this paragraph may not be expended until the joint committee on finance, acting under s. 13.101, approves a plan by the department of health and social services to assist Vietnam veterans exposed to agent orange.

SECTION 124. 20.435 (2) (d) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.435 (2) (d) *Collection remittances to local units of government.* A sum sufficient for the cost of care as provided in s. 51.22 (3), for state aid to county institutions as provided in ss. 48.58 (2), 1971 stats., 49.173, and 51.22, for the purposes of remitting collections made by the department under s. 46.10 to community boards under ss. 51.42 and 51.437, ~~for transmitting credit balances in accordance with ss. 51.42 (9) (b) and 51.437 (12) (e)~~, for the purpose of remitting collections made by the department as provided in s. 46.03 (18) (g) to county departments of public welfare, and, commencing January 1, 1980, for transmitting credit balances as provided in ss. 46.10 (8e) and 46.26 (4).

SECTION 124m. 20.435 (2) (de) of the statutes is created to read:

20.435 (2) (de) *Foster parent liability insurance.* The amounts in the schedule for the purchase by the department of health and social services of liability insurance for foster parents as described in s. 48.627.

SECTION 125. 20.435 (2) (df) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.435 (2) (df) *Programs for senior citizens.* The amounts in the schedule for the programs for senior citizens, including but not limited to the purposes of ss. 46.80 (5) and (7) and 46.85. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of health and social services may transfer funds between fiscal years under this paragraph. All funds allocated under ss. 46.80 (5) and (7) and 46.85 but not encumbered by December 31 of each year lapse to the general fund on the next January 1, unless transferred to the next calendar year under s. 13.101. For the purposes of this paragraph, funds are encumbered by December 31 if allocated for services received or for goods ordered by December 31.

SECTION 126. 20.435 (2) (gm) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 20.435 (2) (kk).

SECTION 127. 20.435 (2) (h) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 20.435 (2) (km).

SECTION 128. 20.435 (3) (gm) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 20.435 (3) (kk).

SECTION 129. 20.435 (3) (km) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 20.435 (3) (g).

SECTION 130. 20.435 (4) (kk) of the statutes is renumbered 20.435 (4) (g).

SECTION 131. 20.435 (8) (g) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 20.435 (8) (k).

SECTION 132. 20.435 (9) (b) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.435 (9) (b) *Services to institutional employes.* The money received in reimbursement for services rendered institutional employes under s. 46.03 (13) shall be refunded to the respective appropriations ~~under subs. (2) (a) and (3) (a) for operation of the institutions from which the institution is funded.~~ The reimbursements shall be accumulated in an account named "employe maintenance credits".

SECTION 133. 20.435 (9) (kg) of the statutes is renumbered 20.435 (9) (g).

SECTION 134. 20.445 (1) (b) of the statutes is amended to read:

20.445 (1) (b) *Awards for the victims of crimes.* A sum sufficient for payment of compensation and funeral and burial expense awards to the victims of crimes under ~~and the administration of ch. 949.~~

SECTION 135. 20.445 (1) (cm) of the statutes is created to read:

20.445 (1) (cm) *Aids for private sewage system programs.* The amounts in the schedule for state aid for private sewage system programs to make payments under s. 145.21.

SECTION 136. 20.445 (1) (i) of the statutes is created to read:

20.445 (1) (i) *Plumbing regulation.* All moneys received under ch. 145 to be used for the purposes of that chapter plus all moneys received under s. 236.12 (7) to be used for the purposes of ss. 236.12 (2) (a), 236.13 (1) (d) and (2m) and 236.335 and plus all moneys transferred from s. 20.435 (1) (gm) for fiscal year 1979-80 for the purposes of transferring administration of ch. 145 and of ss. 236.12 (2) (a), 236.13 (1) (d) and (2m) and 236.335 from the department of health and social services to the department of industry, labor and human relations.

SECTION 136g. 20.445 (1) (x) 8 of the statutes is repealed and recreated to read:

20.445 (1) (x) 8. There is appropriated from the unemployment reserve fund's employment security administrative financing account created by s. 108.161, to the administration fund created by s. 108.20, for use on remodeling departmental data processing facilities in accordance with those sections, \$120,000 of the amounts credited to that employment security administrative financing account which are unobligated and available for obligation under s. 108.161. The amounts appropriated by this subdivision are available for obligation solely within the 2-year period commencing on the effective date of this act (1979), and are to be utilized only in the event that administrative funds appropriated under par. (z) are insufficient for such purposes.

SECTION 136r. 20.445 (1) (x) 9 of the statutes is repealed.

SECTION 137. 20.445 (3) (title) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.445 (3) (title) EMPLOYMENT AND TRAINING SERVICES.

SECTION 137r. 20.505 (1) ~~(dm)~~, (e) and (h) of the statutes are created to read:

20.505 (1) ~~(dm) Energy conservation education grants. The amounts in the schedule for funding the energy conservation education grant program under s. 16.957 (1).~~

Vetoed
in Part

(e) *Anemometer purchase and installation.* As a continuing appropriation, the amounts in the schedule for the purchase and installation of anemometers under s. 16.959 (2) (a).

(h) *Anemometer loan program.* All moneys received under s. 16.959 (2) (b) to carry out the purposes for which received.

SECTION 138. 20.505 (3) (b) of the statutes, as affected by chapters 32 and 34, laws of 1979, is amended to read:

20.505 (3) (b) *Claims awards.* There is appropriated to the various state agencies from the respective funds and accounts from which their appropriations are financed, to be paid on vouchers certified by the claims board, or by the department of administration in the case of claims specified in s. 16.007 (6) (b), a sum sufficient for payment of the awards made by the claims board under ss. 16.007, 775.05 (4), 775.06 and 775.11 —If and those awards made by an act of the legislature arising from a claim filed with the claims board. Unless otherwise specified by law, if the claims board determines that payment from a specific fund and account would jeopardize the programs it supports, the award shall be paid from the unappropriated balance of the appropriate fund, unless the board determines that there is an insufficient balance in a segregated fund to pay the award, in which case the award shall be paid from the general fund. Expenditures under this paragraph not attributable to a specific state agency shall be charged only under this paragraph.

SECTION 139. 20.525 (1) (a) of the statutes is amended to read:

20.525 (1) (a) *General program operations.* A sum sufficient for staff salaries and the general program operations of the office of the governor, including amounts authorized for transitional expenses under s. 13.101 (10), but not including programs financed under sub. (3) or (4) or s. 20.530. The governor shall be is entitled to expenses and any incident to his or her office from this appropriation, including expenses in connection with any conferences of governors, as prescribed in s. 14.17.

SECTION 142. 20.525 (4) of the statutes is created to read:

20.525 (4) OMBUDSMAN AND ADVOCACY ACTIVITIES. (a) *Governor's ombudsman program for aging and disabled.* The amounts in the schedule for the general program operations of the governor's ombudsman program for the aging and disabled, as authorized under s. 14.19 for ombudsman and advocacy activities.

(b) *Advisor and program on women's initiatives.* The amounts in the schedule for the general program operations of the advisor and program on women's initiatives, as authorized under s. 14.19 for ombudsman and advocacy activities.

(c) *Advisor and program on minority ethnic initiatives.* The amounts in the schedule for the general program operations of the advisor and program on minority ethnic initiatives, as authorized under s. 14.19 for ombudsman and advocacy activities.

(i) *Gifts and grants.* All moneys received from gifts, grants, bequests and devises for the ombudsman and advocacy activities under s. 14.19, to carry out the purposes for which made and received.

(k) *Contracts with state agencies.* All moneys received from contracts with state agencies for the ombudsman and advocacy activities under s. 14.19, to carry out the purposes for which negotiated.

(m) *Federal aid.* All federal moneys received as authorized under s. 16.54 for the ombudsman and advocacy activities under s. 14.19, to carry out the purposes for which received.

SECTION 142m. 20.530 (title) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.530 (title) Executive programs.

SECTION 143. 20.530 (2) of the statutes, as affected by chapter 34, laws of 1979, is repealed and recreated to read:

20.530 (2) COUNCIL ON CRIMINAL JUSTICE. (a) *Planning and administration match, state operations.* The amounts in the schedule for planning and administration under the justice system improvement act of 1979, P.L. 96-157, and any related programs. This paragraph does not apply on or after June 30, 1984.

(b) *Planning and administration match, local assistance.* The amounts in the schedule to provide matching funds to local governments for federal planning and administration programs to improve the administration of criminal justice. This paragraph does not apply on or after June 30, 1984.

(c) *Criminal justice improvement project match, local assistance.* The amounts in the schedule to provide matching funds to local agencies for federal project grants to improve the administration of criminal justice. This paragraph does not apply on or after June 30, 1984.

(d) *Criminal justice improvement project match, state operations.* The amounts in the schedule to be allocated to state agencies as matching funds for federal project grants to improve the administration of criminal justice. This paragraph does not apply on or after June 30, 1984.

(e) *Criminal justice improvement project match, aids to organizations.* The amounts in the schedule to be allocated to organizations as matching funds for federal project grants to improve the administration of criminal justice. This paragraph does not apply on or after June 30, 1984.

(m) *Federal aid, planning and administration, state operations.* All moneys received from the federal government to be allocated to state agencies for planning and administration of programs to improve the administration of criminal justice. This paragraph does not apply on or after June 30, 1984.

(n) *Federal aid, planning and administration, local assistance.* All moneys received from the federal government to be allocated to local agencies for planning and administration of programs to improve the administration of criminal justice. This paragraph does not apply on or after June 30, 1984.

(o) *Federal aid, criminal justice improvement projects, state operations.* All moneys received from the federal government to be allocated to state agencies for project grants to improve the administration of criminal justice. This paragraph does not apply on or after June 30, 1984.

(p) *Federal aid, criminal justice improvement projects, local assistance.* All moneys received from the federal government to be allocated to local governments for project grants to improve the administration of criminal justice. This paragraph does not apply on or after June 30, 1984.

(pa) *Federal aid, criminal justice improvement projects, aid to organizations.* All moneys received as federal aid as authorized by the governor under s. 16.54 to be allocated to organizations for project grants to improve the administration of criminal justice. This paragraph does not apply on or after June 30, 1984.

SECTION 144. 20.530 (2) of the statutes, as affected by chapter (this act), laws of 1979, is repealed.

SECTION 145. 20.545 (3) (d) and (e) of the statutes, as affected by chapter 34, laws of 1979, are repealed.

SECTION 146. 20.547 (1) (m) of the statutes is created to read:

20.547 (1) (m) *Federal aid.* All moneys received from the federal government as authorized under s. 16.54 to carry out the purposes for which received.

SECTION 152. 20.566 (1) (gm) of the statutes, as created by chapter 34, laws of 1979, is repealed.

SECTION 153. 20.566 (7) (dz) of the statutes, as affected by chapters 34 and 63, laws of 1979, is amended to read:

20.566 (7) (dz) *General fund loan to the investment and local impact fund board.* As a continuing appropriation, the amounts in the schedule to be disbursed as a general fund loan to the investment and local impact board for the purposes of s. 70.395 whenever the unencumbered balances of the appropriations under pars. (e) and (v) are zero. ~~Commencing On July 8, 1982~~ 1, 1988, the unencumbered balance of this appropriation shall lapse to the general fund and the investment and local impact fund board shall pay to the general fund from the investment and local impact fund an amount equal to the amount of the general fund loan made under this paragraph, or the unencumbered balance in the appropriation under par. (v), whichever is greater. If there are insufficient funds in the investment and local impact fund to repay in full the principal and interest on the general fund loan made under this paragraph on such date, interest of 3% per year on the balance due shall accrue to the general fund. ~~Commencing 5 years after on July 7, 1977~~ 1, 1988, the board shall pay quarterly to the general fund any amounts in the investment and local impact fund or the balance due on the general fund loan made under this paragraph including interest, whichever is less, until the general fund loan made under this paragraph is repaid in full.

SECTION 153m. 20.575 (1) (g) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.575 (1) (g) *Program fees.* Except as provided under par. (ga) or (ka), ~~6.4%~~ 10.5% of the fees collected by the secretary of state for the purpose of carrying out program responsibilities.

SECTION 154. 20.585 (1) (g) of the statutes is amended to read:

20.585 (1) (g) *Processing services.* All moneys received from services rendered to local governments under ~~ss. s. 25.50 (7) and 25.55 (3)~~ for expenses in administering the funds under ~~ss. s. 25.50 and 25.55.~~

SECTION 155. 20.585 (1) (i) of the statutes is repealed.

SECTION 156. 20.665 (1) (b) of the statutes is amended to read:

20.665 (1) (b) (title) *Payments to exonerated judges*. The amounts in the schedule for reimbursement of attorney fees exonerated judges under s. 757.99.

SECTION 157. 20.665 (1) (c) of the statutes is created to read:

20.665 (1) (c) *Contractual agreements*. Biennially, the amounts in the schedule for payments relating to contractual agreements for investigations or prosecutions or both.

SECTION 157d. 20.835 (1) (c) of the statutes is created to read:

20.835 (1) (c) *Municipal and county guarantee supplement*. A sum sufficient to make the payments under s. 79.05 (1), (2) and (3).

Vetoed in Part SECTION 157e. ~~20.835 (1) (d) of the statutes is created to read:
20.835 (1) (d) *Special guarantee supplement*. A sum sufficient to make the payments under s. 79.05 (4).~~

SECTION 157m. 20.835 (1) (g) of the statutes is repealed.

SECTION 157p. 20.855 (2) (c) of the statutes, as affected by chapter 34, laws of 1979, is repealed.

SECTION 158. 20.855 (4) (a) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.855 (4) (a) *Interest on overpayment of taxes*. A sum sufficient to pay interest on overpayments of taxes refunded under s. 70.511 (2) (b) ~~or~~, 71.12 (1) (b) and (2) or 77.59 (6) (c).

SECTION 161. 20.855 (4) (c) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.855 (4) (c) *Minnesota income tax reciprocity*. A sum sufficient to pay to the state of Minnesota any losses of income taxes occurring because of income tax reciprocity between this state and Minnesota and any interest payments due under s. 71.03 (3).

SECTION 162. 20.865 (intro.) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.865 Program supplements. (intro.) There is appropriated to the various state agencies from the respective funds and accounts from which their appropriations are financed, the amounts provided in this section, but only after the amounts included in the respective program appropriations for the purposes indicated in this section have been exhausted. All expenditures under this section for purposes normally financed by program revenue appropriations or segregated revenue appropriations shall be charged to the appropriate account, but if the revenues of that account are exhausted or not available, the expenditures shall be charged to the fund from which the appropriation is made. Those expenditures paid from general purpose revenues for purposes financed by program revenues or segregated revenues shall be separately accounted for and the appropriate fund shall, except as otherwise provided in s. 20.285 (1) (g), shall be reimbursed for those expenditures as soon as moneys become available in the appropriate account. Estimated supplements under this section from other than general purpose revenue shall appear in the schedule as the paragraphs which correspond to the general purpose revenue paragraphs, as follows: If ~~if~~ general purpose revenue pars. (a), (b), (c), (ci), (cm), (d), ~~(e)~~, (f), (fm) ~~and~~ [,] (fn) ~~or~~ (fo) are used, the corresponding program revenue paragraphs shall be pars. (g), (h), (i), (ic), (im), (j), ~~(jm)~~, (L), (Lm), ~~and~~ [,] (Ln) ~~or~~ (Lo) [,], respectively, and the corresponding segregated fund paragraphs shall be pars. (q), (r), (s), (si), (sm), (t), ~~(tm)~~, (v), (vm) ~~and~~ [,] (vn) ~~or~~ (vo) [,], respectively. In the case of annual or biennial appropriations under this section, the amounts available from program and segregated revenues are limited to the dollar level specified in the corresponding general purpose revenue appropriation subject to the balances available in the respective accounts or funds.

Vetoed in Part

SECTION 163. 20.865 (1) (a) of the statutes, as affected by chapters 32 and 126, laws of 1979, is amended to read:

20.865 (1) (a) *Judgments.* A sum sufficient to pay the amounts due under ss. 21.13, 59.31, ~~775.05 (4), 775.06,~~ 776.43 and chapter 582, laws of 1911.

SECTION 164. 20.865 (1) (c) (intro.) of the statutes is amended to read:

20.865 (1) (c) *Pay plan adjustments.* (intro.) A sum sufficient to pay the cost of pay and related adjustments approved by the joint committee on employment relations under s. 230.12 and by the legislature, when required, for employes of the classified service and comparable adjustments for those employes in the unclassified service, except those included under ss. 20.923 (5) and (6) (c) and (m) and 230.08 (2) (d) and (f) as determined and allocated under subds. 1 and 2. Unclassified employes included under s. 20.923 (2) need not be paid comparable adjustments.

SECTION 165. 20.865 (1) (ci) of the statutes is amended to read:

20.865 (1) (ci) *University system faculty and academic pay adjustments.* A sum sufficient to pay the cost of pay and related adjustments approved by the legislature or the joint committee on employment relations under s. 230.12 (3) (e) for university of Wisconsin system employes under ss. 20.923 (5) and (6) (m) and 230.08 (2) (d).

SECTION 166. 20.865 (1) (e) of the statutes is repealed.

SECTION 167. 20.865 (1) (f) and (fm) (title) of the statutes are amended to read:

20.865 (1) (f) (title) *Risk management — state property.* A sum sufficient to pay ~~the cost of insurance premiums assessed under s. 605.24 for damage to state property under s. 16.865 (4) including, but not limited to, any investigative and adjustment fees and the cost of insurance contracts arranged by the department of administration to protect the state against risk of loss as provided under s. 16.865 (5).~~ The department of administration shall biennially on July 1 of the even-numbered years allocate as a charge to state agencies a proportionate share of the estimated costs under this appropriation to respective appropriations as provided under pars. (L) and (v). The sums which are received from state agencies under pars. (L) and (v) shall be deposited in the general fund as general purpose revenue earned as provided in the introductory paragraph.

(fm) (title) *Risk management — liability.*

~~SECTION 168. 20.865 (1) (fo) of the statutes, as created by chapter 34, laws of 1979, is repealed.~~ **Vetoed in Part**

SECTION 169. 20.865 (1) (jm) of the statutes is repealed.

SECTION 170. 20.865 (1) (L) (title) and (Lm) (title) of the statutes are amended to read:

(L) (title) *Risk management — state property.*

(Lm) (title) *Risk management — liability.*

~~SECTION 171. 20.865 (1) (Lo) of the statutes, as created by chapter 34, laws of 1979, is repealed.~~ **Vetoed in Part**

SECTION 172. 20.865 (1) (tm) of the statutes is repealed.

SECTION 173. 20.865 (1) (v) (title) and (vm) (title) of the statutes are amended to read:

(v) (title) *Risk management — state property.*

(vm) (title) *Risk management — liability.*

~~SECTION 174. 20.865 (1) (vo) of the statutes, as created by chapter 34, laws of 1979, is repealed.~~ **Vetoed in Part**

SECTION 175. 20.865 (2) (b) of the statutes is amended to read:

20.865 (2) (b) (title) *Parking rental cost.* The amounts in the schedule to pay parking rental expenses ~~in general executive facility~~ for constitutional officers and employes designated under s. 16.843, and in accord with a biennial parking plan adopted by the joint committee on legislative organization.

SECTION 176. 20.865 (2) (eb) of the statutes is created to read:

20.865 (2) (eb) *Executive residence furnishings replacement.* As a continuing appropriation, the amounts in the schedule for replacement of furnishings, decorative items and fixtures at the executive residence. Expenditures under this paragraph may be made only with the approval of the department of administration, upon recommendation of the state capitol and executive residence board under s. 16.83.

SECTION 177. 20.865 (4) (a) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.865 (4) (a) (title) *General fund general program supplementation and loans.* Biennially, the amounts in the schedule to be used to supplement appropriations of the general fund which prove insufficient because of unforeseen emergencies or which prove insufficient to accomplish the purposes for which made, to be used to make loans to appropriations from the general or any state segregated fund as provided in s. 13.101 (4m) and miscellaneous expense of the committee not to exceed \$250. All loans from this appropriation when repaid shall be credited to this appropriation if repaid during the biennium in which the loan is made. All loans from this appropriation not repaid during the biennium in which the loan is made shall be general purpose revenues-earned. Allotments from this appropriation shall be made as provided in s. 13.101. The governor may under this paragraph allot sums not in excess of \$1,000 to any department or agency when necessary, without a meeting of the committee. All allotments made under this paragraph in an emergency shall be certified to the department of administration, and expenditures therefrom shall be shown in the state budget report as an additional cost of the department, board, commission, institutions or programs to which such allotments were made.

SECTION 178. 20.865 (5) (g) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.865 (5) (g) *Gifts and grants.* As a continuing appropriation, all moneys received from moneys deposited in the general fund under s. 20.907 to carry out the purposes for which such moneys were given. The department of administration may establish numeric subunits from the appropriation made under this paragraph for each state agency or division thereof which receives or is designated to act as trustee for a gift, grant, bequest or devise for which no specific appropriation is made under this chapter. For internal accounting purposes only, the department may reflect the amounts in each subunit under the appropriation totals for the respective state agencies administering the programs for which the gifts, grants, bequests or devises are used.

SECTION 179. 20.865 (5) (h) of the statutes is created to read:

20.865 (5) (h) *Vehicle and aircraft receipts.* All moneys received by state agencies under ss. 11.37 and 20.916 (7) for political and other personal uses of state-owned vehicles and aircraft, to be used for the purpose of subsidizing the cost of operation, maintenance and depreciation of the vehicles and aircraft. The department of administration may transfer moneys from this appropriation to the proper appropriation of any state agency from which state vehicle and aircraft costs are financed.

SECTION 180. 20.865 (5) (m) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.865 (5) (m) *Federal aid.* As a continuing appropriation, all moneys received from moneys deposited in the general fund under s. 16.54 to carry out the purposes for which such moneys were given. The department of administration may establish numeric

subunits from the appropriation made under this paragraph for each state agency or division thereof which receives moneys from the federal government under s. 16.54 for which no specific appropriation is made under this chapter. For internal accounting purposes only, the department may reflect the amounts in each subunit under the appropriation totals for the respective state agencies administering the programs for which the federal moneys are used.

SECTION 181. 20.866 (1) (u) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

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

SECTION 181m. 20.866 (2) (s) and (t) of the statutes, as affected by chapter 34, laws of 1979, are amended to read:

20.866 (2) (s) *University of Wisconsin; academic facilities.* As a continuing appropriation from the capital improvement fund, the amounts in the schedule for the board of regents of the university of Wisconsin system to acquire, construct, develop, enlarge or improve university academic educational facilities and facilities to support such facilities. The state may contract public debt in an amount not to exceed ~~\$353,140,600~~ \$354,929,300 for this purpose.

(t) *University of Wisconsin; self-amortizing facilities.* As a continuing appropriation from the capital improvement fund, the amounts in the schedule for the board of regents of the university of Wisconsin system to acquire, construct, develop, enlarge or improve university self-amortizing educational facilities. The state may contract public debt in an amount not to exceed ~~\$97,624,000~~ \$100,892,100 for this purpose.

SECTION 182. 20.866 (2) (tp) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.866 (2) (tp) *Natural resources; recreation facilities.* As a continuing appropriation from the capital improvement fund, the amounts in the schedule for the department of natural resources to acquire, construct, develop or enlarge state recreation facilities, to assist municipalities in the acquisition, construction, development, enlargement or improvement of recreational boating facilities under s. 30.92 and to construct an educational facility and youth conservation camp at Poynette. The state may contract public debt in an amount not to exceed ~~\$51,892,300~~ \$56,055,000 for this purpose. Of this amount, \$1,200,000 is allocated to assist municipalities in the acquisition, construction, development, enlargement or improvement of recreational boating facilities under s. 30.92. Of this amount, \$558,000 is allocated for the acquisition of land located within 75 miles of a city or village with a population of 45,000 or more.

SECTION 183. 20.866 (2) (tu) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.866 (2) (tu) (title) *Natural resources; segregated revenue supported administrative facilities.* As a continuing appropriation from the capital improvement fund, the amounts in the schedule for the department of natural resources to acquire, construct, develop, enlarge or improve natural resource administrative office, laboratory, equipment storage or maintenance facilities. The state may contract public debt in an amount not to exceed ~~\$1,200,000~~ \$1,556,000 for this purpose.

SECTION 184. 20.866 (2) (tv) of the statutes is created to read:

20.866 (2) (tv) *Natural resources; general tax supported administrative facilities.* As a continuing appropriation from the capital improvement fund, the amounts in the schedule for the department of natural resources to acquire, construct, develop, enlarge or improve natural resource administrative office, laboratory, equipment, storage or maintenance facilities. The state may contract public debt in an amount not to exceed \$2,395,800 for this purpose.

SECTION 187m. 20.866 (2) (w) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.866 (2) (w) *Health and social services; correctional facilities.* As a continuing appropriation from the capital improvement fund, the amounts in the schedule for the department of health and social services to acquire, construct, develop, enlarge or improve correctional facilities. The state may contract public debt in an amount not to exceed \$63,352,300 \$79,352,300 for this purpose.

SECTION 187n. 20.866 (2) (y) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.866 (2) (y) *Building commission; housing state departments and agencies.* As a continuing appropriation from the capital improvement fund, the amounts in the schedule to the building commission for the purpose of housing state departments and agencies. The state may contract public debt in an amount not to exceed \$48,799,200 \$73,007,400 for this purpose.

SECTION 187p. 20.866 (2) (zg) of the statutes is created to read:

20.866 (2) (zg) *Historical society, museum facility.* As a continuing appropriation, from the capital improvement fund, the amounts in the schedule for the historical society to acquire and remodel a museum facility. The state may contract public debt in an amount not to exceed \$1,000,000 for this purpose.

SECTION 188. 20.867 (2) (f) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.867 (2) (f) *Facilities maintenance and improvement.* Except for the 1979-81 fiscal biennium, wherein a total of \$19,976,700 is authorized, a sum sufficient equal to 1.5% of the value of state buildings, structures, utility plants and equipment therein, excepting those under the jurisdiction of the department of transportation, as appraised by the department of administration in accordance with s. 13.48 (3), for the purposes of carrying out the long-range building program under s. 13.48. The amounts provided under this paragraph shall be transferred to the appropriation made by par. (x) to carry out the purposes of that paragraph. All Notwithstanding s. 20.001 (3) (b), all amounts thus transferred and all prior appropriations made under the authority of this paragraph shall be considered as are nonlapsing, any other provision of the statutes to the contrary notwithstanding.

SECTION 189. 20.867 (2) (x) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 20.867 (2) (q) and amended to read:

20.867 (2) (q) *Building trust fund.* As a continuing appropriation, all moneys not otherwise appropriated from the state building trust fund for purposes of carrying out the long-range building program under s. 13.48. ~~The state building trust fund shall consist of all appropriations or transfers made thereto by the legislature, together with all donations, gifts, bequests or contributions of money or other property, all restored advances and all investment income.~~

SECTION 190. 20.867 (2) (y) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 20.867 (2) (r).

SECTION 191. 20.903 (2) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.903 (2) ANTICIPATION OF ACCOUNTS RECEIVABLE. Notwithstanding sub. (1), program revenue appropriations and corresponding segregated revenue appropriations from program receipts may be encumbered and moneys expended therefrom in an amount not exceeding the total of the unencumbered appropriation balance plus accrued accounts receivable outstanding, inventories and work in process, but not in excess of the amount allotted by the department of administration. Notwithstanding sub. (1), the appropriations under ss. 20.505 (1) (i), (ka), (kb), (kc), (kd) and (kg) and 20.855 (8) (k) may be encumbered and moneys expended therefrom in an additional amount not exceeding the depreciated value of equipment for operations financed under s. 20.505 (1) (i), (ka), (kb), (kc), (kd) and (kg) and the depreciated value of data processing hardware, software, and related equipment for regional data processing service center operations financed under s. 20.855 (8) (k). The secretary of administration may require such statements of outstanding accounts receivable as he or she deems necessary before allotting sums in excess of the unencumbered appropriation balance. For the purposes of this subsection only, the secretary shall consider as accrued accounts receivable on each June 30, the federal aid funds allotted and \$8,000,000 of the revenues from imposts which the department of transportation has obligated under s. 84.01 (20).

SECTION 192. 20.904 (2) of the statutes is amended to read:

20.904 (2) REIMBURSEMENT OF CLEARING ACCOUNTS. In any such case the state agency making the purchase or incurring the expense shall ~~be held and required to determine prior to the closing of the books for the fiscal year, and at such other times as may be determined by the secretary of administration,~~ the amounts chargeable to the several appropriations and shall issue transfer vouchers, setting forth in each voucher the reason therefor ~~and the~~ The department of administration shall credit the appropriation or account from which payment was originally made and shall debit the appropriation directed to be charged by the transfer voucher in the amount named therein.

SECTION 193. 20.906 (6) of the statutes is amended to read:

20.906 (6) DIRECT DEPOSITS. The governor or the state treasurer may require state agencies making deposits under this section to make direct deposits to a bank designated as a depository by the ~~state investment~~ depository selection board, if such a requirement is advantageous or beneficial to this state.

SECTION 194. 20.915 (1) of the statutes is amended to read:

20.915 (1) PURCHASE. Each state agency, upon written approval of the governor, may purchase necessary aircraft, trucks and automobiles for its general use, ~~of such style and make as it determines.~~ The department of administration shall ensure that each state agency when purchasing petroleum-powered passenger automobiles purchases only those passenger automobiles which have a combined mileage rating as certified by the U.S. environmental protection agency of no less than 21 miles per gallon for 1978 models and no less than 23 miles per gallon for 1979 models. ~~Law enforcement automobiles and automobiles needed to carry heavy passenger or equipment loads are excluded from the mileage requirement of this subsection.~~ All aircraft, trucks and automobiles shall be purchased through the department of administration, under ss. 16.70 to 16.82. The department of administration shall ensure that each general fleet passenger automobile at the time of procurement has a fuel economy rating of no less miles per gallon than the fleet average miles per gallon required of automobile manufacturers by the federal government at that time. Law enforcement vehicles and work vehicles for heavy passenger or equipment loads are exempt from the mileage requirement.

SECTION 195. 20.915 (3) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

20.915 (3) ANNUAL MILEAGE REDUCTION OR FUEL CONSERVATION PLAN. Every state agency which uses state automobiles or which authorizes the use of personal automobiles by agency employees under s. 20.916 (4) shall, ~~within 60 days after the effective date of~~

~~this act (1979) no later than August 31, 1979,~~ formulate and implement a plan to reduce the total annual mileage driven by such automobiles in the conduct of the agency's business at least 15% below the mileage driven under agency auspices during fiscal year 1978-79. For state automobiles only, the agency may as an alternative provide a plan to reduce the total amount of fuel consumed by state automobiles used in the conduct of the agency's business at least 15% below the amount consumed by state automobiles driven under agency auspices during fiscal year 1978-79. The plan shall provide that the required reduction shall be accomplished ~~within 6 months after the effective date of this act (1979) no later than December 31, 1979.~~ When the plan has been prepared in final form, a copy of the plan shall be delivered to the department of administration. The department of administration shall review each plan submitted to it under this subsection to determine whether the plan is likely to enable the submitting agency to achieve the required reduction in mileage driven or fuel consumed. The department of administration shall also make recommendations to the agency regarding establishment of an optimum balance between the use of state-owned and personal automobiles and the use of mass transit facilities for intracommunity and intercommunity travel necessary to conduct the agency's business. The department of administration shall monitor compliance with the plans submitted to the department under this subsection. This subsection does not apply to automobiles used for law enforcement purposes by state law enforcement agencies or by state conservation wardens. ~~In this subsection, "motor vehicle" means a motor vehicle as defined in s. 340.01 (35).~~

SECTION 196. 20.915 (4) of the statutes is created to read:

20.915 (4) DEFINITION. In this section, "automobile" has the meaning given under s. 340.01 (4).

SECTION 196m. 20.915 (5) of the statutes is created to read:

20.915 (5) ALCOHOL FUEL USE. As of January 1, 1984, no state agency may use as fuel for any state automobile driven under agency auspices any fuel which contains less than 10% ethanol derived from resources other than coal, natural gas or petroleum unless such fuel is unavailable in the area where the automobile is driven. In this subsection "automobile" has the meaning given under s. 340.01 (4).

SECTION 197. 20.916 (7) of the statutes is amended to read:

**Vetoed
in Part** 20.916 (7) (title) PERSONAL USE OF STATE AUTOMOBILES AND AIRCRAFT. A state officer or employe who is assigned a state-owned automobile may use such automobile for personal use. With the approval of the secretary of administration, a state officer or employe may use a state-owned aircraft for personal use. The officer or employe shall reimburse the state for such use at a rate prescribed by rule of the secretary of administration which will cover covers all costs associated with the operation of the vehicle automobile or aircraft. The fees prescribed under this subsection do not apply to the use of vehicles or aircraft in political campaigns.

SECTION 198. 20.916 (8) (a) of the statutes is amended to read:

20.916 (8) (a) The secretary of employment relations shall recommend to the joint committee on employment relations uniform travel schedule amounts for travel by state officers and employes whose compensation is established under s. 20.923 or 230.12. Such amounts shall include recommended average amounts and maximum permitted amounts for meal and lodging costs and portorage tips.

SECTION 199m. 20.918 of the statutes is amended to read:

20.918 Attorney's fees. No state agency ~~shall in the executive branch~~ may employ any attorney until such employment has been approved by the governor.

SECTION 200. 20.920 (2) (b) of the statutes is amended to read:

20.920 (2) (b) As an alternative to the use of a contingent fund, the secretary of administration may authorize any department to issue drafts or warrants drawn on the state treasurer. Such drafts or warrants may be issued only in connection with purchase orders authorized under subch. IV of ch. 16 and may not exceed \$300 per draft or warrant. The state treasurer shall pay such drafts or warrants as presented. The secretary of administration shall audit the purchase orders issued. Any purchase order that is disapproved by the secretary as unlawful or unauthorized shall be returned by the secretary to the department for reimbursement to the state treasurer. The secretary shall make written regulations for the implementation of this paragraph. The secretary may require any department to utilize separate bank accounts to implement this paragraph ~~when appropriate, because of the location of the institution concerned.~~ The illegal or unauthorized use of purchase orders and drafts or warrants under this paragraph is subject to the remedies specified in s. 16.77.

SECTION 201. 20.920 (2) (d) of the statutes is amended to read:

20.920 (2) (d) ~~Out of the appropriations~~ From the appropriation made in s. 20.435 (3) (km) there is allotted, subject to the approval of the joint committee on finance acting under s. 13.101, such sums as may be necessary to be used as a contingent fund for the purchase of clothing, transportation, maintenance and other necessities for probationers and parolees who are without means to secure those necessities, ~~the.~~ The contingent fund to shall be administered in conformity with the procedure provided in par. (a) and with the provision that any amount may be paid, except that there is a \$250 limitation on each payment from this fund and that all. All payments from the fund may be made without first being submitted to the department of health and social services and the department of administration for approval and audit.

SECTION 201m. 20.923 (4) (intro.) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.923 (4) DEPARTMENT AND AGENCY POSITIONS. (intro.) Department and agency heads, the administrator of the division of personnel in the department of employment relations, commission chairpersons and members and higher education administrative positions shall be identified and limited in number in accordance with the standardized nomenclature contained in this subsection, and shall be assigned to the executive salary groups listed in pars. (a) to (j). Except as provided in ~~sub. subs. (4) (d) 4m and (12),~~ all unclassified division administrator positions enumerated under s. 230.08 (2) (e) shall be assigned, when approved by the joint committee on employment relations, by the administrator of the division of personnel to one of the 10 executive salary groups listed in pars. (a) to (j). Whenever any individual is serving in a classified division administrator position and that position becomes a position in the unclassified service enumerated under s. 230.08 (2) (e), and that individual is at that time reappointed to the same position in the unclassified service, the appointing authority may continue payment of the previous level of salary to that individual for a period of not more than 6 months or until the joint committee on employment relations approves an assignment of the unclassified division administrator position to one of the 10 executive salary groups, whichever occurs first. Position are assigned as follows:

SECTION 202. 20.923 (4) (b) 3 of the statutes is created to read:

20.923 (4) (b) 3. Health and social services, department of; parole board: chairperson.

SECTION 203. 20.923 (4) (d) 3m of the statutes is repealed and recreated to read:

20.923 (4) (d) 3m. Council on criminal justice: executive director. This subdivision does not apply on or after June 30, 1984.

SECTION 204. 20.923 (4) (d) 3m of the statutes, as affected by chapter (this act), laws of 1979, is repealed.

SECTION 207. 20.923 (4) (e) 3 of the statutes, as created by chapter 34, laws of 1979, is amended to read:

20.923 (4) (e) 3. Industry, labor and human relations: ~~manpower education, employment and training and employment:~~ executive director.

SECTION 207e. 20.923 (4) (g) 7 to 9 of the statutes are amended to read:

20.923 (4) (g) 7. University of Wisconsin system; center system: ~~vice provost~~ chancellor.

8. University of Wisconsin system; extension system: ~~vice provost~~ chancellor.

9. University of Wisconsin system; ~~outreach:~~ provost vice president.

SECTION 207m. 20.923 (4) (h) 3 of the statutes is created to read:

20.923 (4) (h) 3. University of Wisconsin system: vice president.

SECTION 207s. 20.923 (4) (i) 3 of the statutes is amended to read:

20.923 (4) (i) 3. University of Wisconsin system: ~~2 senior vice presidents~~ president.

SECTION 208. 20.923 (6) (a) of the statutes is renumbered 20.923 (6) (am):

SECTION 209. 20.923 (6) (a) of the statutes is created to read:

20.923 (6) (a) Administration, department of; division of nursing home forfeiture appeals: administrator.

~~SECTION 211m. 20.923 (6) (gm) of the statutes is created to read:~~

Vetoed
in Part

~~20.923 (6) (gm) Legislative reference bureau: legislative attorneys, research analysts, librarians and all other professional and clerical staff appointed under s. 13.92 (3) (b).~~

SECTION 213. 20.923 (9) (a) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

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

SECTION 214. 20.923 (14) of the statutes is repealed.

SECTION 215. 20.923 (15) of the statutes is renumbered 20.923 (14) and amended to read:

20.923 (14) SALARY ADMINISTRATION. Any ~~increase or~~ adjustment of salary for any incumbent in a position specified in ~~sub. (4) shall be~~ subs. (4), (8), (9) and (11) to (13) is governed by the provisions of the executive salary groups compensation plan concerning executive salary groups as adopted by the joint committee on employment relations under s. 230.12 (3) (b).

SECTION 216. 20.923 (16) of the statutes, as affected by chapter 89, laws of 1979, is renumbered 20.923 (15).

SECTION 217. 20.923 (17) of the statutes is renumbered 20.923 (16) and amended to read:

20.923 (16) OVERTIME EXCLUSION. The salary paid to any person whose position is included under subs. (2), (4), (5) and (8) to ~~(14)~~ (13) is deemed to compensate that person for all work hours. No overtime compensation may be paid to any such person for hours worked in any work week in excess of the standard basis of employment as specified in s. 230.35 (5) (a).

SECTION 218. 20.923 (17) of the statutes is created to read:

20.923 (17) PSYCHIATRIC RESIDENTS. The salaries of psychiatric residents employed in an educational training program by the department of health and social services shall be established by the appointing authority. The maximum salary payable to any such employe may not exceed 75 % of the minimum salary payable to physicians in the classified service, as specified in the compensation plan adopted under s. 230.12.

SECTION 219. 21.11 (2) of the statutes is amended to read:

21.11 (2) Any commissioned officer or enlisted member of the national guard who fails to carry out orders or fails to appear at the time or place ordered as provided in sub. (1) shall be punished under the Wisconsin code of military justice. Any person who advises or endeavors to persuade an officer or soldier to refuse or neglect to appear at such place or obey such order shall ~~be imprisoned not exceeding 6 months or fined not exceeding~~ forfeit not less than \$200 nor more than \$1,000 or both.

SECTION 220. 21.13 of the statutes, as affected by chapter 34, laws of 1979, is renumbered 21.13 (1) and amended to read:

21.13 (1) If any member of the national guard or the state guard is prosecuted by any civil or criminal action for any act performed by the member while in the performance of military duty and in pursuance ~~thereof~~ of military duty, the action against the member shall be defended by counsel, which may include the attorney general, appointed ~~therefore~~ for that purpose by the governor upon the recommendation of the adjutant general. The adjutant general shall make ~~such~~ the recommendation ~~whenever~~ if the act performed by the member was in the line of duty. The costs and expenses of any such defense shall be audited by the department of administration and paid out of the state treasury and charged to the appropriation under s. 20.455 (1) (b) and if the jury or court finds that the member of the national guard against whom the action is brought acted ~~in good faith~~ within the scope of his or her employment as a member, the judgment as to damages entered against the member shall also be paid by the state.

SECTION 221. 21.13 (2) of the statutes is created to read:

21.13 (2) Any civil action or proceeding brought against a member of the national guard or the state guard under sub. (1) is subject to ss. 895.45 and 895.46.

SECTION 222. 21.14 of the statutes is amended to read:

21.14 Penalty for injuries and threats because of enlistment; refusal to grant leave. A person who, either ~~by himself alone~~ alone or with another, wilfully deprives a member of the national guard of his employment, or prevents ~~his the member from~~ being self-employed or employed by ~~himself~~ another, or in respect to ~~his~~ a trade, business or employment, because ~~said~~ the member of ~~said~~ the national guard is ~~such a~~ member, or dissuades any person from enlistment in the ~~said~~ national guard by threat of injury to ~~him in case he~~ shall so enlist the person if the person enlists, in respect to ~~his an~~ an employment, trade, or business, or who refuses to grant leave to any employe who is a duly enrolled member of the national guard, state guard, officers reserve corps, enlisted reserve corps, naval reserve, marine corps reserve or any other reserve component of the military or naval forces of the United States or ~~the this state of Wisconsin~~ organized or constituted under federal law to attend military schools, armory drill, field training, field camps of instruction and training cruises and any other state or federal tours of active duty, except extended active duty or service as a member of the active armed forces of the United States, which have been duly ordered or who shall cause the seniority, vacation, or salary advancement of ~~such the~~ employe to be adversely affected by reason of such leave, shall be ~~fin~~ fined ~~forfeit~~ not less than \$50 nor more than \$200, or imprisoned not more than 6 months, or both.

SECTION 223. 21.145 of the statutes is amended to read:

21.145 Discrimination against national guard. No association or corporation, constituted or organized for the purpose of promoting the success of the trade, employment or business of ~~the its members thereof, shall, may~~ by any constitution, rule, bylaw, resolution, vote or regulation, discriminate against any person who is a member of the Wisconsin national guard of the state of Wisconsin, because of such national guard membership in respect to the eligibility of such ~~member of the said national guard person~~ to membership in such the association or corporation, or in respect to his the person's right to retain said last mentioned membership in the national guard. It is the purpose of this section and s. 21.14 to protect a member of the said national guard from disadvantage in his the person's means of livelihood and liberty therein but not to give ~~him~~ any preference or advantage on account of his the person's membership in said the national guard. A person who aids in enforcing any such ~~provisions~~ provision against a member of the said national guard with the intent to discriminate against ~~him~~ the member because of such membership, shall ~~be fined~~ forfeit not less than \$50 nor more than \$200, ~~or imprisoned not more than 6 months, or both.~~

SECTION 224. 21.15 of the statutes is amended to read:

21.15 Penalty for retention of military property. No person shall ~~may~~ retain at any time any arms, equipment or military stores of any kind belonging to the state or any federally owned property issued to the state, unless ~~they have~~ the property has been properly issued to him in pursuance of the person pursuant to law, and he shall be permitted by the proper authority permits the person to retain the same property in the discharge of a public duty; ~~and no.~~ No person shall may use any public arms, equipment, clothing or military stores belonging to the state, either as owner or bailee, for his the person's private use. Any person violating this section shall ~~be fined~~ forfeit not less than \$50 nor more than \$200.

SECTION 225. 21.155 of the statutes is amended to read:

21.155 Nondelivery of arms; resisting officer. ~~Any No person having in his possession, who possesses under the laws of this state, any arms, equipment or other military property, who shall may~~ wilfully neglect or refuse, after lawful demand ~~thereof, is made for the return of the property~~ by order of the ~~commander in chief of the national guard of the state governor, to deliver up~~ return the same property promptly, ~~and any.~~ No person who shall may knowingly resist any ~~proper~~ officer in who is lawfully taking possession of such arms, equipment or other military property. Any person violating this section shall be imprisoned not more than 6 months or fined not exceeding \$100 ~~forfeit not less than \$50 nor more than \$200.~~

SECTION 226. 21.16 (1) of the statutes is amended to read:

21.16 (1) ~~Any No person not may~~ wear the uniform of the Wisconsin national guard or of the U.S. army, air force, navy or marine corps, or a reserve component of the U.S. armed forces, except a person who is regularly enrolled in the United States U.S. army, air force, navy or marine corps, a reserve component of the U.S. armed forces, the national guard of one of the states or one of the student cadet companies armed and recognized by the national or a state government, or not a person who is an inmate of any veterans' or soldiers' home who wears the uniform of the Wisconsin national guard or of the United States army, marine or navy. Any person violating this subsection shall be fined ~~forfeit~~ not less than \$10 nor more than \$100, ~~or imprisoned not less than 5 days nor more than 30 days, or both.~~ The district attorney of the county in which any such offense is committed shall bring an action in the name of the state against the offender.

SECTION 227. 21.17 (3) of the statutes is amended to read:

21.17 (3) ~~Whoever~~ Any person who violates sub. (1) or (2) may be fined shall ~~forfeit~~ not less than \$50 nor more than \$200 ~~or imprisoned not more than 90 days or both.~~ The officer in charge or a designee may arrest ~~such person~~ and detain the person for such reasonable time as may be necessary to deliver the person to civil authorities.

SECTION 228. 21.20 of the statutes is amended to read:

21.20 Civil service status. All full-time state-paid employes of the department of military affairs, except the adjutant general and, the deputy adjutant general and the assistant adjutant general for air, shall be under the classified service.

SECTION 229. 21.36 (title) of the statutes is amended to read:

21.36 (title) U.S. Armed forces regulations; constitution.

SECTION 230. 21.52 of the statutes is amended to read:

21.52 Authority to administer oaths. All ~~officers~~ Any officer of the national guard or any officer of the U.S. armed forces may administer oaths of enlistment.

SECTION 231. 21.63 of the statutes is amended to read:

21.63 Grounds for mustering out of units. ~~Whenever~~ If any company sized unit or detachment ~~shall fall falls~~ below the minimum in membership, ~~become becomes~~ in-subordinate, lax in discipline, ~~or~~ negligent in drill or other duties, ~~insubordinate, or if~~ its members lose interest in their organization, ~~or when if~~, upon inspection, it ~~shall appear to be appears~~ that the unit or detachment is not properly organized or conducted, or ~~when if~~ the unit or detachment does not make musters and returns ~~shall not be made~~, the governor may muster out the ~~same, unit or detachment~~ and may direct all persons holding arms, ~~accoutrements equipment and military stores to be delivered up by whomsoever held return the property.~~ Any person, ~~who is~~ not a member of the national guard in good standing, ~~retaining who retains~~ arms or other property belonging to the state, as owner or bailee, ~~in his possession after the governor directs the return of the property, shall forfeit not less than \$25 \$50 nor more than \$100 \$200.~~

SECTION 232. 22.16 (4) (b) 6 of the statutes is repealed.

SECTION 233. 23.31 of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

23.31 Recreation resources facilities. (1) To provide and develop recreation resources facilities within this state, the natural resources board, with the approval of the governor and subject to the limits provided in s. 20.866 (2) (tp), may direct that state debt be contracted for providing recreation resources facilities or making additions to existing recreation resources facilities. By January 1 of each year, the board shall submit to the governor an expenditure plan for recreation projects for which public debt will be contracted in the following fiscal year. The plan shall specify the functional areas on which the department will place fiscal emphasis in the succeeding fiscal year as well delineating specific acquisition and development objectives. ~~Performance toward meeting these objectives will determine acquisition and development objectives for the succeeding fiscal year. No contract in anticipation of public debt may be entered into by the board until the governor has approved the plan and no deviation from the plan may be made without the approval of the governor. Beginning with its 1973-75 budget request and biennially thereafter, With their biennial budget request to the department of administration, the natural resources board shall include in its request and plan for recreational acquisition and development funding under s. 23.30 and this section an expenditure plan. Such This plan shall be approved by the governor and shall contain the policies regarding the priority types of land to be acquired and the nature and categories of the developments to be undertaken. Changes in priority types of land to be acquired and in categories of developments may not be made without approval of the governor. Any deviation which the governor approves shall be reviewed by the joint committee on finance.~~

(2) The debt shall be contracted for in the manner and form the legislature prescribes. It is the intent of the legislature that state debt not to exceed \$56,055,000 in the 12-year period from 1969 to 1981 may be incurred for the comprehensive provision of outdoor recreation facilities as provided by s. 23.30 but any unappropriated or uncommitted portion of this debt shall be continued beyond 1981.

SECTION 233m. 23.32 (1) of the statutes is repealed and recreated to read:

23.32 (1) In this section "wetland" means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

SECTION 234. 23.40 (title) of the statutes is amended to read:

23.40 (title) Environmental impact statement.

SECTION 235. 23.40 (1) (title) of the statutes is created to read:

23.40 (1) (title) DETERMINATION IF ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED.

SECTION 236. 23.40 (2) of the statutes is amended to read:

23.40 (2) (title) NOTIFICATION; ESTIMATE OF FEE. (a) If the department is required to prepare an environmental impact statement, it shall ~~so~~ notify the person by certified mail ~~and~~.

(b) The department shall indicate the estimated full cost of the preparation of the environmental impact statement fee.

(3) (title) ENVIRONMENTAL IMPACT STATEMENT FEE. (a) The department shall charge a an environmental impact statement fee if it is required to prepare an environmental impact statement or if it enters into a preapplication service agreement.

(b) The amount of the environmental impact statement fee shall equal to the full cost of the preparation of the environmental impact statement and the full cost of any preapplication services if the department enters into a preapplication service agreement. These costs shall include the cost of authorized consultant services.

(c) The department shall determine the manner in which the environmental impact statement fee is to be paid and. The department may require periodic payments if preapplication services are provided.

(d) The department shall deposit the any environmental impact statement fee in the general fund and shall designate clearly that part of the fee related to the cost of authorized environmental consultant services.

SECTION 237. 23.40 (3) of the statutes is repealed.

SECTION 238. 23.40 (4) of the statutes is renumbered 23.40 (6) and amended to read:

23.40 (6) (title) EXEMPTION FROM FEE FOR MUNICIPALITIES. ~~This section shall Subsections (2) (b) and (3) do not apply to applications of with respect to municipalities, as defined under s. 345.05 (1) (a), or to environmental impact statements related thereto.~~

SECTION 239. 23.40 (4) and (5) of the statutes are created to read:

23.40 PREAPPLICATION SERVICE AGREEMENT. The department may enter into an agreement to provide preapplication services necessary to evaluate the environmental impact of a project or proposed activity, monitor major developments and expedite the anticipated preparation of an environmental impact statement if the project or proposed activity is large, complex or environmentally sensitive and if the person planning the project or proposed activity agrees in writing even though that person has not filed an application for any permit, license or approval granted or issued by the department and no environmental impact statement has been prepared. Preapplication services include preliminary environmental reviews, field studies and investigations, laboratory studies and investigations and advisory services.

(5) **AUTHORIZED ENVIRONMENTAL CONSULTANT SERVICES.** Subject to the requirements of s. 16.87 (2), the department may enter into contracts for environmental consultant services to assist in the preparation of an environmental impact statement or to provide preapplication services. Environmental consultant services include services provided by environmental scientists, engineers and experts.

SECTION 240. 23.45 (2) of the statutes is amended to read:

23.45 (2) The ~~executive~~ office of the governor shall provide personnel and services necessary to aid in the acquisition of conservation work camp sites and facilities under this section.

SECTION 241. 25.001 of the statutes is created to read:

25.001 Definitions. As used in ss. 25.01 to 25.13, unless the context indicates otherwise:

- (1) "Board" means the board of commissioners of public lands.
- (2) "Joint city school district" means a school district reorganized under s. 117.02 or 117.03 with the district continuing as a city school district but with the fiscal control of the school district exercised by a fiscal control board constituted under s. 120.50 (2).
- (3) "Municipality" means a town, village, city, county, school district or vocational, technical and adult education district.
- (4) "School district" has the meaning designated under s. 115.01 (3).
- (5) "State trust fund loan" means a loan authorized under s. 25.01 (3).
- (6) "Trust funds" means the common school fund, the normal school fund, the university fund and the agricultural college fund.

SECTION 242. 25.01 (1) and (2) (a) of the statutes are amended to read:

25.01 Authorized investments and loans. (1) (title) **INVESTMENTS AND LOANS; SEPARATE ACCOUNTS.** The board shall loan or invest moneys belonging to the ~~common school fund, the normal school fund, the university fund and the agricultural college fund~~ shall be invested or loaned by the ~~the~~ board of commissioners of public lands trust funds as such ~~those~~ moneys accumulate in the treasury, ~~and the~~ The board shall keep a separate account of all investments and loans from each fund.

(2) (a) (title) *Authorized investments.* ~~Any of said~~ The board may invest moneys belonging to the trust funds may be invested in the purchase of county bonds issued under the authority conferred by s. 59.92, Stats. 1953, or in the purchase of bonds:

1. Bonds or notes of the United States ~~or in securities~~;
2. Securities issued under the provisions of the federal farm loan act of July 17, 1916, (12 USC 641, et seq.) or the farm credit act of 1971 ~~or in bonds~~ (P.L. 92-181);
3. Bonds of this state; ~~or in bonds~~
4. Bonds issued pursuant to law by any town, village, city, county or school district of this state.

(b) (title) *Deposited with state treasurer.* All bonds, notes and other securities so purchased shall be deposited with the state treasurer.

SECTION 243. 25.01 (2) (b) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 25.01 (4) and amended to read:

25.01 (4) (title) **STUDENT LOANS.** The board of commissioners of public lands may ~~authorize investment of any of said~~ invest moneys belonging to the trust funds in loans to students under s. 39.32 through assignment, sale or conveyance of ~~such those~~ loans to the board of commissioners of public lands by the higher educational aids board. ~~Such These~~ investments shall be guaranteed under rules established under s. 39.33. The responsibility and right to authorize ~~such these~~ loans and for collection of interest and principal on ~~such these~~ loans assigned, sold or conveyed to the board of commissioners shall rest of

public lands rests with the higher educational aids board. Interest and principal payments from ~~such~~ these loans shall be received from the appropriations under s. 20.235 (1) (g) and (2) (bb), (gb) and (mb), interest to be computed on the unpaid principal balance of the loans at the interest rate stated on the loan notes assigned, sold or conveyed, computed as of January 1 and July 1 of each year and payable within 90 days thereafter. All notes assigned, sold or conveyed shall be held for the board of commissioners of public lands by the higher educational aids board.

SECTION 244. 25.01 (3) of the statutes is amended to read:

25.01 (3) LOANS. (a) (title) *Authorized loans.* ~~Any of said~~ The board may loan moneys under its control or belonging to the trust funds may be loaned to:

1. ~~A school districts or boards of education~~ district by whatever name designated, to be used for the operation and maintenance of schools, in erecting and remodeling school buildings, teacherages, in the purchase of teacherages, teacherage sites, schoolhouse sites, bus garage sites, transportation vehicles, bus garages, school equipment, or school playgrounds, or in refunding ~~their~~ any indebtedness incurred for a lawful purpose and within the constitutional limitations, and for the purposes enumerated in s. 67.04 (6) or otherwise authorized by law; ~~or to towns, villages, cities, counties, vocational, technical and adult education districts and boards of education of any city within the state,~~

2. A town, village, city or county as provided in under s. 67.04 (1) to (6) or otherwise authorized by law; and every such school district, town, village, city, county; or

3. A vocational, technical and adult education district and board of education as provided under s. 67.04 (6) or otherwise authorized by law.

(b) (title) *Terms; conditions.* A municipality may borrow of from the board, or from said moneys belonging to the trust funds or either of them, such the sum of money, for such the time and upon such the conditions as may be agreed upon between the board and the borrower; subject to the limitations, restrictions and conditions hereinafter set forth. In this chapter any such school district, town, village, city, county, vocational, technical and adult education district or board of education, or all of them, may be designated by the word "municipality" or "municipalities" in ss. 25.001 to 25.13.

SECTION 245. 25.01 (4) of the statutes is renumbered 25.01 (5).

SECTION 246. 25.02 (1) to (3) of the statutes are amended to read:

25.02 (1) MUNICIPAL LOANS OTHER THAN TO SCHOOL DISTRICTS. ~~The State trust fund loans provided for by s. 25.01 (3), other than those to school districts, may be made for any term not exceeding 20 years, may be made payable in instalments, and shall be in such amounts as shall an amount which does not, in connection with all other indebtedness of the municipality applying therefor for the loan, exceed 5 % of the average valuation of the taxable property therein within the municipality as equalized for state purposes for the 3 years next preceding, except that, as to for any city which is authorized to issue bonds for school purposes, such the debt limitation shall not exceed an additional 10% of the average of the value of the property in such that city and in the territory attached thereto to the city for school purposes as equalized for state purposes for the 3 years next preceding. When such. If a state trust fund loan is made to pay off existing indebtedness, it may be advanced to the borrower in instalments as fast as such the indebtedness or the evidence thereof of indebtedness is canceled.~~

(2) SCHOOL DISTRICT LOANS. ~~Every~~ A state trust fund loan to a school district may be made for such any time, not exceeding 20 years, as is agreed upon between said the school district and the board of ~~commissioners of public lands~~, and for such an amount as which, together with all other indebtedness of such that district, shall does not exceed its allowable indebtedness as determined under s. 67.03 (1), except that, in determining such this debt limit, ~~such the~~ valuation of all taxable personal property in excess of 50 % of such the

valuation of the real estate shall be disregarded. The principal shall be payable in approximately equal annual instalments.

(3) INTEREST RATES. All state trust fund loans shall bear and draw interest at a rate not less than 2% payable annually, except that investments in student loans made under s. 25.01 ~~(2) (b)~~ (4) shall bear and draw interest at an annual rate not less than 7%.

SECTION 247. 25.04 of the statutes is amended to read:

25.04 Date when interest and principal become due. The annual interest and instalments of principal of all state trust fund loans ~~from the trust funds~~, excluding interest and instalments of principal from investments in student loans made under s. 25.01 ~~(2) (b)~~, ~~shall be (4)~~, are payable into the state treasury ~~with other state taxes, or on or before August 15 of each year in accordance with s. 74.03~~ the date specified in s. 25.08 (4) or (5) or 25.09 (4).

SECTION 248. 25.05 (1) of the statutes is amended to read:

25.05 (1) FOR ALL MUNICIPALITIES. ~~No trust fund loan shall may be made under s. 25.01 (3) unless an application therefor be first is made to the board as required by under this section. Such The application shall state the amount of money required, the purpose to which it is to be applied, and the times and terms of repayment; and it. The application shall be accompanied by satisfactory proof:~~

(a) ~~of~~ Of the ~~assessed~~ valuation for the ~~preceding 3~~ years of all the taxable property within the municipality ~~making the application as equalized for state purposes;~~

(b) ~~of~~ Of all the existing indebtedness of ~~such the~~ municipality; and

(c) ~~of~~ Of the approval of the application as required by ~~this section~~ subs. (2) to (4).

SECTION 249. 25.05 (2) and (3) of the statutes are amended to read:

25.05 (2) FOR MUNICIPALITIES OTHER THAN SCHOOL DISTRICTS. Every ~~such~~ application shall be approved and authorized for a town, by the signatures of all of its supervisors acknowledged as conveyances of land are acknowledged; for a village, by a vote of not less than three-fourths of its trustees; for a city, by a vote of not less than two-thirds of the members of its common council; ~~for the board of education of any city, by a vote of not less than two-thirds of all of its members at a regular or special meeting thereof and also by a vote of not less than two-thirds of all the members of the common council of such city; and~~ for a county, by a vote of not less than two-thirds of all the members of its board of supervisors at some regular or special session thereof. Every vote so required shall be by ayes and noes duly recorded.

(3) FOR SCHOOL DISTRICTS. (a) (title) For common and union high school districts. Every ~~such~~ application shall be approved and authorized for a common or union high school district by a vote of a majority of its legal voters voting on such this question. If ~~such the~~ the vote ~~be is~~ taken at a special meeting the objects thereof shall be clearly stated in the notice of the meeting. The application shall state the facts in detail respecting the holding of the meeting, and the taking and the result of the vote required, ~~and. The application shall be signed by each member of the district board, and verified by the clerk. The statement accompanying the application shall contain a correct map or plat of the district and, when. If the district is a joint district, it the statement accompanying the application shall show the assessed valuation in its several parts separately, so that the valuation of so much thereof as each part of the district which lies in each town or municipality of which it is a part, may be readily shown.~~

SECTION 250. 25.05 (3) (b) and (c) of the statutes are created to read:

25.05 (3) (b) *For city and joint city school districts.* Every application shall be approved and authorized for a city school district, other than a joint city school district, by a vote of not less than two-thirds of the members of the school board at a regular or special meeting of the school board and by a vote of not less than two-thirds of the members of the

common council of the city; and for a joint city school district by a vote of not less than two-thirds of the members of the school board at a regular or special meeting of the school board and by a vote of not less than two-thirds of the fiscal board of the unified school district. Every vote so required shall be by ayes and noes duly recorded.

(c) *For unified school districts.* Every application shall be approved and authorized for a unified school district by a vote of not less than two-thirds of the members of the school board at a regular or special meeting of the school board. Every vote so required shall be by ayes and noes duly recorded. In addition, the application shall be approved for a unified school district by a majority vote of the electors of the school district at a special election as provided under sub. (4).

SECTION 251. 25.05 (4) of the statutes is amended to read:

25.05 (4) POPULAR VOTE, WHEN REQUIRED. ~~Whenever~~ If any municipality is not empowered by law to incur indebtedness for a particular purpose without first submitting the question to its electors, the application for a state trust fund loan for that purpose must be approved and authorized by a majority vote of ~~such the~~ the electors at a special election called, noticed and held in the manner provided for other special elections. The notice of ~~such the~~ the election shall state the amount of the proposed loan and the purpose for which it will be used; ~~but this. This subsection shall does not apply to loans made by boards of education to a city or joint city school district applying as provided in sub. (2) (3) (b).~~

SECTION 252. 25.05 (5a) of the statutes is renumbered 25.075 and amended to read:

25.075 Liquidation and payment of taxes not yet due. Any An owner of lands situated within ~~such a~~ a town, village, city, county or school district subject to an irrevocable tax levy under s. 25.05 (5) who intends to convey such the lands to the U.S. federal government or to any other tax-exempt body, may apply to the department of revenue to have the amount of such the loan which is a lien on his or her property on account of such the irrevocable tax levy, ascertained by finding. The department of revenue shall ascertain this amount by determining the proportion which the assessed valuation of his the owner's property according to last assessment bears to the assessed valuation of the whole property of the town, village, city or school district, and upon multiplying this proportion by the total amount of the loan. Upon payment of such the sum so ascertained to the board of commissioners of public lands such, the board shall issue to such the owner a certificate showing that such the lands so conveyed are free and clear of any lien on account of such this tax levy, and upon receipt of such the payment the amount thereof of the payment shall be credited as a partial repayment of such the loan. Such The application to the department of revenue shall be accompanied by a copy of the contract to convey such the lands to such a tax-exempt body, and after. After the filing of such the application and proof of recording of a deed of conveyance of such the lands to such the tax-exempt body such the lands shall not be subject to any tax.

SECTION 253. 25.06 of the statutes is amended to read:

25.06 Certificates of indebtedness. If the board approves the application is approved by the board, it shall cause certificates of indebtedness to be prepared in proper form and transmitted to the municipality submitting the same. Every such application. The certificate of indebtedness shall be executed and signed for a school district by its president, for a town by its chairman, for a village by its president, for a city by its mayor, for a board of education by its president, for a vocational, technical and adult education district by its district board chairman and for a county by the chairman of its board. The certificate of indebtedness shall be countersigned by the clerk of the municipality or, in the case of a vocational, technical and adult education district, by the district board secretary executing the same, and returned to and deposited with the board, and deposited with the department of revenue, which shall certify that fact to the department of administration. The department of administration shall thereupon then draw a warrant upon the state

treasurer for the amount of the loan, payable to the treasurer of the municipality making the loan or as he or she directs. The certificate of indebtedness shall then be conclusive evidence of the validity of ~~such~~ the indebtedness and that all the requirements of law concerning the application for the making and acceptance of ~~such~~ the loan have been complied with.

SECTION 254. 25.07 of the statutes is amended to read:

25.07 (title) Payment of state trust fund loans. All the taxable property in any municipality which ~~has obtained or shall obtain any loan from the state or from any of its trust funds obtains a trust fund loan~~ shall stand charged for the payment of the principal and interest ~~thereof on that loan~~. The annual tax levied ~~as provided by~~ under s. 25.05 (5) shall be a ~~special charge to be paid next after the state tax out of any moneys collected as taxes within said~~ special charge to be paid next after the state tax out of any moneys collected as taxes within said the municipality.

SECTION 255. 25.08 of the statutes is repealed and recreated to read:

25.08 Collection from municipalities other than school districts. (1) **APPLICABILITY.** This section applies to all outstanding state trust fund loans to municipalities other than school districts.

(2) **CERTIFIED STATEMENT.** If a municipality other than a school district has a state trust fund loan, the board shall transmit to the municipal clerk a certified statement of the amount due on or before August 1 of each year until the loan is paid. The board shall submit a copy of each certified statement to the state treasurer.

(3) **AMOUNT ADDED TO MUNICIPAL LEVY.** The municipal clerk shall then cause the amount to be added to the municipal levy and collected in the same manner as the municipal tax except the amount for the state trust fund loan shall be separately designated.

(4) **PAYMENT TO STATE TREASURER.** The municipal treasurer shall transmit to the state treasurer on his or her order the full amount levied for state trust fund loans within 15 days after March 15. The state treasurer shall notify the board when he or she receives payment. Any payment not made by March 30 is delinquent and is subject to a penalty of one percent per month to be paid to the state treasurer with the delinquent payment.

(5) **PAYMENT TO STATE TREASURER; DELAYED PAYMENT DATE.** If a municipality collects taxes under s. 74.03, if the governing body of the municipality extends the time for payment up to August 15 and if the governing body files a copy of the resolution with the board, then the municipal treasurer shall transmit to the state treasurer on his or her order the full amount levied on or before the extension date. The state treasurer shall notify the board when he or she receives payment. The payment due on state trust fund loans shall bear interest from March 15 to August 15 at the rate currently received on state trust fund loans. Any payment not made by August 15 is delinquent and is subject to a penalty of one percent per month to be paid to the state treasurer with the delinquent payment.

(6) **FAILURE TO MAKE PAYMENTS.** If the municipal treasurer fails to remit the amount due by the date specified under sub. (4) or (5), the board may file a certified statement of the amount delinquent with the department of administration. The department of administration shall collect the amount due, including any penalty, by deducting that amount from any state payments due the municipality, shall remit that amount to the state treasurer and shall notify the treasurer and the board of that action.

SECTION 256. 25.09 of the statutes is amended to read:

25.09 Collections from school districts. (1) (title) **APPLICABILITY.** This section applies to all outstanding trust fund loans to school districts, ~~as defined in s. 115.01 (3).~~

(2) (title) **CERTIFIED STATEMENT.** ~~When If~~ a school district ~~makes~~ has a state trust fund loan ~~under ss. 25.01 and 25.02 (2), the board of commissioners of public lands shall, on or before August 1 of each year until the loan is paid,~~ transmit to the school district clerk a certified statement of the amount due on or before August 1 of each year until the

~~loan is paid.~~ The board of ~~commissioners of public lands~~ shall furnish a copy of each ~~certification~~ certified statement to the state treasurer and the department of public instruction.

(3) (title) ADDED TO SCHOOL DISTRICT LEVY. The school district clerk shall then cause the amount due to be added to the school district levy and collected in the same manner as the school district tax, except the amount for state trust fund loans shall be separately designated.

(4) (title) PAYMENT TO STATE TREASURER. The school district treasurer shall transmit to the state treasurer on his or her own order the full amount levied for state trust fund loans within 15 days after March 15. The state treasurer shall notify the board of ~~commissioners of public lands~~ when he or she receives payment. ~~Any such payments~~ payment not made by March 30 ~~shall be declared~~ is delinquent and ~~are~~ is subject to a penalty of ~~1%~~ one percent per month or fraction thereof, to be paid to the state treasurer with the delinquent payment.

(5) (title) FAILURE TO MAKE PAYMENT. If the school district treasurer fails to remit the amounts due under sub. (4), the state superintendent, upon certification of delinquency by the board of ~~commissioners of public lands~~, shall deduct the amount due including any penalty from any school aid payments due the school district, shall remit such amount to the state treasurer and, no later than June 15, shall notify the school district treasurer and the board of ~~commissioners of public lands~~ to that effect.

SECTION 257. 25.10 of the statutes is amended to read:

25.10 Use of funds. No money obtained by ~~any school district, school board, vocational, technical and adult education district, town, village, city or county by such a municipality~~ from a state trust fund loan ~~shall~~ may be applied to or paid out for any purpose ~~except that specified in the application therefor~~ for the loan without the consent of the board.

SECTION 258. 25.13 of the statutes is amended to read:

25.13 Interest, how accounted for. ~~Every sum of~~ All money collected as interest upon any state trust fund loan ~~from either of the trust funds specified in s. 25.01~~ shall be paid into the state treasury ~~and~~. All moneys collected as interest upon any trust fund loan are considered gross receipts and shall be credited to the income of the fund from which the loan was made ~~except that expenses may be deducted as provided under s. 25.015.~~

SECTION 259. 25.16 (3) of the statutes is renumbered 25.16 (4).

SECTION 260. 25.16 (3) of the statutes is created to read:

25.16 (3) The executive director may appoint an executive assistant who shall serve at the pleasure of the executive director outside the classified service. The executive assistant shall perform the duties prescribed by the executive director.

SECTION 261. 25.16 (4) and (5) of the statutes, as affected by chapter 110, laws of 1979, are renumbered 25.16 (5) and (6), respectively.

SECTION 262. 25.17 (1) (jr) of the statutes is repealed.

SECTION 263. 25.17 (1) (s) of the statutes is renumbered 25.17 (1) (jm) and amended to read:

25.17 (1) (jm) State Local government property insurance fund (ch. 605);

SECTION 264. 25.17 (1) (zL) of the statutes is amended to read:

25.17 (1) (zL) State building trust fund (s. 25.30), except for the purpose and extent of loans to the Wisconsin state public building corporation, the Wisconsin university building corporation, and the Wisconsin state colleges building corporation, which ~~shall~~ be ~~are~~ subject to sub. (2) (b); and

SECTION 264m. 25.17 (6) of the statutes is created to read:

25.17 (6) Notwithstanding any other statute, transfers from the variable retirement investment trust to the fixed retirement investment trust under s. 40.85 may be made in cash or securities or both as determined by the investment board. The investment board shall determine market values for securities in the variable retirement investment trust as of the close of business on the last working day preceding a transfer. If securities are transferred, to the extent determined feasible by the investment board, a pro rata amount of all securities in even hundreds of shares of stock or even thousands of par value of bonds in the variable retirement investment trust shall be transferred. The investment board may hold or sell the transferred securities as it determines appropriate considering market and economic conditions. Any limitation on the percentage of assets in common stocks or in the stock of one company does not apply to the transferred securities, except the investment board shall, at such time as it determines market, economic and other conditions are appropriate to the sale of the securities, sell sufficient transferred securities so as to comply with percentage of asset limitations.

SECTION 265. 25.29 (intro.) of the statutes is renumbered 25.29 (1) and amended to read:

25.29 (1) ~~Except as otherwise provided by law, all~~ There is established a separate nonlapsible trust fund designated as the conservation fund to consist of:

(a) ~~All moneys accruing to the state for or in behalf of the department of natural resources under chs. 23, 26, 27, 28, 29 and 350, subch. I of ch. 77 and ss. 30.50 to 30.55 and 70.58, including grants received from the federal government or any of its agencies, shall constitute the "Conservation Fund" and, unless except as otherwise provided by law, shall be paid, within one week after receipt into the state treasury and credited to the conservation fund.~~

SECTION 266. 25.29 (1) to (6) of the statutes, as affected by chapter 34, laws of 1979, are renumbered 25.29 (2) to (7).

SECTION 267. 25.29 (1) (b) of the statutes is created to read:

25.29 (1) (b) One percent of all sales and use taxes under s. 77.61 (1) on boats and snowmobiles collected by the department under ss. 30.52 (8) and 350.12 (7).

SECTION 268. 25.30 of the statutes is created to read:

25.30 State building trust fund. The state building trust fund consists of all appropriations or transfers made thereto by the legislature, together with all donations, gifts, bequests or contributions of money or other property, all restored advances and all investment income.

SECTION 269. 25.55 of the statutes is repealed.

SECTION 270. 29.01 (4) of the statutes is amended to read:

29.01 (4) **WATERS CLASSIFIED.** All waters within the jurisdiction of the state are classified as follows: ~~Lakes~~

(a) "Outlying waters" means Lake Superior and, Lake Michigan, Green Bay, Sturgeon Bay, Sawyer's harbor, and the Fox river from its mouth up to the dam at De Pere are "outlying waters". ~~All other waters.~~

(b) "Inland waters" means all waters not classified as outlying waters, including the bays, bayous and sloughs of the Mississippi river bottoms, are "inland waters".

SECTION 271. 29.05 (3) of the statutes is amended to read:

29.05 (3) In the performance of their law enforcement duties under this chapter, duly authorized wardens may operate vehicles owned or leased by the department upon a highway, other than an interstate, a state trunk highway or any highway within the limits of any incorporated area, during hours of darkness without lighted headlamps, tail lamps or clearance lamps, contrary to s. 347.06, if such the driving will aid in the accomplishment of a lawful arrest for violation of this chapter or rules promulgated under this chapter or

in ascertaining whether a violation of this chapter or rules promulgated under this chapter has been or is about to be committed. ~~The state shall be liable for any accidents or injuries caused by any warden operating a motor vehicle under this subsection. Any civil action or proceeding brought against any warden operating a motor vehicle under this subsection is subject to ss. 895.45 and 895.46.~~

SECTION 271m. 29.108 of the statutes, as created by chapter 34, laws of 1979, is amended to read:

29.108 Hunter's choice deer hunting permits. The department may issue hunter's choice deer hunting permits to a person who has a valid deer hunting license and who applies for this permit. A hunter's choice deer hunting permit authorizes the permit holder to take one deer of either sex in areas specified by the department. The issuance of hunter's choice permits, the number of permits, and the areas for which the permits are effective are discretionary with the department. If the number of permit applicants exceeds the number of permits authorized, the department shall conduct a drawing to see who shall receive a permit. The department shall give first preference in drawings to residents who applied for but were not issued permits in the preceding year, and 2nd preference to all other residents. Any resident who falsely represents on an application for a hunter's choice deer hunting permit that the resident was not issued a permit in the preceding year shall forfeit \$50 and suffer the revocation of the deer hunting license for the current year.

SECTION 272. 29.145 (4) (a) of the statutes is renumbered 29.145 (4) (b) and amended to read:

29.145 (4) (b) The department or a county clerk shall issue a trout stamp for a fee of \$2.25 to each person holding or applying for a fishing license under this section or s. 29.09 (12), 29.14, 29.146 or 29.147 if the person uses or intends to use the license for trout fishing in inland trout waters of the state. The trout stamp shall be designed and produced by the department, shall be attached to the fishing license and shall be valid for the calendar year. Any person who is exempt from payment or charge for a fishing license is exempt from the requirements of this paragraph.

SECTION 273. 29.145 (4) (a) of the statutes is created to read:

29.145 (4) (a) As used in this section, "inland trout waters" means inland waters except that this term excludes:

1. Any harbor on Lake Michigan or Lake Superior;
2. Any river or stream tributary of Lake Michigan or Green Bay, except the Kewaunee river, from its mouth upstream to the first dam or lake; and
3. The Kewaunee river from its mouth upstream to county highway F.

SECTION 274. 29.145 (4) (b) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 29.145 (4) (c) and amended to read:

29.145 (4) (c) The department shall expend the receipts from the sale of trout stamps on improving trout habitat in the inland trout waters of the state and administering this subsection.

SECTION 275. 29.145 (4) (bm) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 29.145 (4) (d).

SECTION 276. 29.145 (4) (c) of the statutes is repealed.

SECTION 277. 29.21 (3) of the statutes is created to read:

29.21 (3) Notwithstanding s. 19.21, the department may refuse to reveal names and addresses of persons on any magazine or publication subscriber list. The department may charge a fee to recover the actual costs for providing or for the use of any magazine or publication subscriber list. No person who obtains or uses any magazine or publication subscriber list from the department may refer to the department, the magazine or the

publication as the source of names or addresses unless the person clearly indicates that the provision of or permission to use the subscriber list in no way indicates the department's knowledge, involvement, approval, authorization or connection in any way with the person or the person's activities.

SECTION 277b. 29.33 (4) (d) of the statutes is created to read:

29.33 (4) (d) The department may not suspend or revoke a crew license of a crew member because of a violation by the boat or by the commercial fishing licensee unless that crew member committed or is responsible for the violation.

SECTION 277d. 30.18 (4) of the statutes is renumbered 30.18 (4) (a).

SECTION 277h. 30.18 (4) (b) of the statutes is created to read:

30.18 (4) (b) If a hearing on the application for a permit is conducted as a part of a hearing under s. 144.836, the notice and hearing provisions in that section supersede the notice and hearing provisions of par. (a).

SECTION 277p. 30.19 (3) of the statutes is renumbered 30.19 (3) (a).

SECTION 277t. 30.19 (3) (b) of the statutes is created to read:

30.19 (3) (b) If a hearing on the application for a permit is conducted as a part of a hearing under s. 144.836, the notice, comment and hearing provisions in that section supersede the notice, comment and hearing provisions of par. (a).

SECTION 278. 30.28 (3) of the statutes is created to read:

30.28 (3) This section does not apply to any federal agency, state agency, county, city, village, town, county utility district, town sanitary district, public inland lake protection and rehabilitation district, metropolitan sewerage district, soil and water conservation district or federally recognized Native American tribal governing body.

SECTION 279. 30.52 (4) (a) of the statutes is amended to read:

30.52 (4) (a) Upon receipt of a proper application accompanied by the required fee and payment of the sales and use tax due under s. 77.61 (1), the department shall issue to the applicant a certificate of number stating the number awarded, the name and address of the owner and such other information as the department deems necessary. The certificate of number shall be pocket size and of durable water resistant material. A number shall be awarded to a particular boat unless the owner is a manufacturer of or dealer in boats, motors or trailers, and desires to use the number on his or her boats only while being tested or demonstrated or while being used for the purpose of testing or demonstrating a motor or trailer.

SECTION 280. 30.52 (8) of the statutes is created to read:

30.52 (8) SALES AND USE TAXES. The department shall collect sales and use taxes due under s. 77.61 (1) on any boat for which a certificate of number is issued. The department shall use collection and accounting methods approved by the department of revenue.

SECTION 281. 30.71 of the statutes is amended to read:

30.71 Boats equipped with toilets. No person may, while maintaining or operating any boat equipped with toilets on inland waters or outlying waters of this state, as defined in s. 29.01 (4), dispose of any toilet wastes in any manner into the inland or outlying waters of this state. The department of ~~health and social services~~ industry, labor and human relations may adopt rules necessary to carry out the purposes of this section.

SECTION 282. 30.92 (4) (b) 6 and 7 of the statutes, as affected by chapter 34, laws of 1979, are amended to read:

30.92 (4) (b) 6. Thirty percent of the funds allocated under s. ~~ss.~~ 20.370 (4) (bc) and (br) and 20.866 (2) (tp) for recreational boating facilities shall be expended for Great Lakes (including Chequamegon Bay and Green Bay) projects. Thirty percent of the

funds allocated under ~~s. ss.~~ 20.370 (4) (bc) and (br) and 20.866 (2) (tp) for recreational boating facilities shall be expended for inland waters, as classified under s. 29.01 (4), projects. Forty percent of the funds allocated under ~~s. ss.~~ 20.370 (4) (bc) and (br) and 20.866 (2) (tp) for recreational boating facilities shall be expended for projects deemed necessary by the commission without regard to location. Any moneys not obligated by the end of the 3rd quarter of the fiscal year for which they were allocated may be used by the department, with the approval of the commission, for purposes of funding other recreational boating facilities projects.

7. Boating facilities projects qualifying for funding under ~~s. ss.~~ 20.370 (4) (bc) and (br) and 20.866 (2) (tp) include, but are not limited to, construction and improvement of harbors of refuge on the Great Lakes; accommodation of motor-powered recreational watercraft; and construction and improvement of public access and related facilities on inland waters where motor-powered recreational watercraft are permitted.

SECTION 282m. 31.06 (5) of the statutes is created to read:

31.06 (5) If a hearing on the application for a permit is conducted as a part of a hearing under s. 144.836, the notice and hearing provisions in that section supersede the notice and hearing provisions of this section.

SECTION 283. 31.39 (3) of the statutes is created to read:

31.39 (3) This section does not apply to any federal agency, state agency, county, city, village, town, county utility district, town sanitary district, public inland lake protection and rehabilitation district, metropolitan sewerage district, soil and water conservation district or federally recognized Native American tribal governing body.

SECTION 283e. 32.19 (2) (g) to (j) of the statutes are created to read:

32.19 (2) (g) "Comparable replacement business" means a replacement business which, when compared with the business premises being acquired by the condemnor, is adequate for the needs of the business, is reasonably similar in all major characteristics, is functionally equivalent with respect to condition, state of repair, land area, building square footage required, access to transportation, utilities and public service, is available on the market, meets all applicable federal, state or local codes required of the particular business being conducted, is within reasonable proximity of the business acquired and is suited for the same type of business conducted by the acquired business at the time of acquisition.

Vetoed in Part (h) "Comparable replacement farm operation" means a replacement farm operation which, when compared with the farm operation being acquired by the condemnor, is adequate for the needs of the farmer, is similar in ~~concerning~~ all major characteristics, is functionally equivalent with respect to type of farm operation, condition and state of repair of farm buildings, soil quality, yield per acre, land area, access to transportation, utilities and public services, is within reasonable proximity of the acquired farm operation, is available on the market, meets all applicable federal, state or local codes required of the particular farm operation acquired and is suited for the same type of farming operation conducted by the displaced person at the time of acquisition.

Vetoed in Part (i) "Owner-occupant displaced person" means a displaced person who owned the real property being acquired and also owned ~~and occupied~~ the business or farm operation ~~conducted on the real property~~ being acquired.

Vetoed in Part (j) "Tenant-occupant displaced person" means a displaced person who owned ~~and occupied~~ the business or farm operation conducted on the real property being acquired but leased or rented the real property.

SECTION 283m. 32.19 (4m) of the statutes is renumbered 32.19 (4m) (a), and 32.19 (4m) (a) (intro.), 1 and 2, as renumbered, are amended to read:

32.19 (4m) (a) (title) ~~Owner-occupied business or farm operation.~~ (intro.) In addition to amounts otherwise authorized by this chapter, the condemnor shall make a payment, not to exceed \$50,000, to any owner-occupant displaced person who is displaced from any business or farm operation which the person has owned and occupied the business or farm operation for not less than ~~180 days~~ one year prior to the initiation of negotiations for the acquisition of the real property on which the business or farm operation lies, and who actually purchases a comparable replacement business or farm operation for ~~such~~ the acquired property within 2 years after the date the person vacates the acquired property or receives payment from the condemnor, whichever is later. An owner-occupant displaced person who has owned and occupied the business or farm operation for not less than one year prior to the initiation of negotiations for the acquisition of the real property on which the business or farm operation lies may elect to receive the payment under par. (b) 1 in lieu of the payment under this paragraph, but the amount of payment under par. (b) 1 to such an owner-occupant displaced person may not exceed the amount the owner-occupant displaced person is eligible to receive under this paragraph. The additional payment under this ~~subsection~~ paragraph shall include the following amounts:

Vetoed
in Part

1. The amount, if any, which when added to the acquisition cost of the property (other than any dwelling on such property) equals the reasonable cost of a comparable replacement business or farm operation for such acquired property, as determined by the ~~department of local affairs and development and the department of industry, labor and human relations, jointly.~~ Such replacement property shall be within reasonable proximity of the property being acquired and shall be suited for the same type of business or farm operation as that which is being conducted by the displaced person at the time of acquisition condemnor.

2. The amount, if any, which will compensate such owner-occupant displaced person for any increased interest cost which such person is required to pay for financing the acquisition of any replacement property, if the property acquired was encumbered by a bona fide mortgage or land contract which was a valid lien on the property for at least ~~180 days~~ one year prior to the initiation of negotiations for its acquisition. The amount under this ~~paragraph~~ subdivision shall be equal to the excess in the aggregate interest and other debt services cost of that amount of the principal of the mortgage on the replacement property which is equal to the unpaid balance of the mortgage on the acquired property, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on demand deposit savings deposits accounts in commercial banks in the general area where the replacement property is located.

SECTION 283s. 32.19 (4m) (b) of the statutes is created to read:

32.19 (4m) (b) ~~Tenant-occupied business or farm operation.~~ In addition to amounts otherwise authorized by this chapter, the condemnor shall make a payment to any tenant-occupant displaced person who has owned and occupied the business or farm operation for not less than one year prior to initiation of negotiations for the acquisition of the real property on which the business or farm operation lies, and who actually rents or purchases a comparable replacement business or farm operation for the displaced business or farm operation within 2 years after the date the person vacates the acquired property. At the option of the tenant-occupant displaced person, such payment shall be either:

Vetoed
in Part

1. The amount, not to exceed \$30,000, which is necessary to lease or rent a comparable replacement business or farm operation for a period of 4 years. The payment shall be computed by determining the average monthly rent paid for the property from which the person was displaced for the 12 months prior to the initiation of negotiations and the monthly rent of a comparable replacement business or farm operation, and multiplying the difference by 48; or

2. The amount, not to exceed the amount which the tenant-occupant displaced person is eligible to receive under subd. 1, which is necessary for a downpayment to obtain conventional financing toward the purchase of a comparable replacement business or farm operation, including:

a. An amount equal to \$10,000 or the amount necessary for the downpayment, whichever is less;

b. If the amount necessary for the downpayment is greater than \$10,000, an additional amount, not to exceed \$10,000, which is equal to the amount matched by the tenant-occupant displaced person; and

c. The expenses under par. (a) 3.

SECTION 284. 34.01 (1) and (8) (a) of the statutes are amended to read:

34.01 (1) "Public deposit" means moneys deposited by the state or any county, city, village, town, drainage district, power district, school district, sewer district or any commission, committee, board or officer of any governmental subdivision of the state or any court of this state, or by the housing finance authority, if the authority elects to be bound by all or part of ~~ch. 34~~ this chapter under s. 234.32 (2), in any state bank, savings and trust company, mutual savings bank, savings and loan association or national bank in this state or in the local government pooled-investment fund ~~or the local government trust investment fund~~, including private funds moneys held in trust by a public officer.

(8) (a) "Inactive deposits" means public deposits which have been deposited subject to the public depository's rules and regulations relative to time accounts ~~and the investment board's rules relative to amounts invested in the local government trust investment fund~~.

SECTION 286. 35.24 (2) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

35.24 (2) ~~A portion of the total number printed of each edition of the The Blue Book, as determined by the department, shall be cloth bound in hard covers, and shall have a blue spine. The remainder of each edition shall be bound in a substantial soft cover.~~

SECTION 287. 35.84 (1) of the statutes is repealed.

SECTION 288. 35.84 (2) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 35.84.

SECTION 289. 35.84 (figure) columns D and E, as renumbered, of the statutes are consolidated and renumbered 35.84 (figure) column D, and 35.84 (figure) (column D) (title), as renumbered, is amended to read:

35.84 (figure) (column D) (title) Blue Books.

SECTION 290. 35.84 (figure) columns F to M, as renumbered, of the statutes are renumbered 35.84 (figure) columns E to L, respectively.

SECTION 291. 35.91 (3) of the statutes is amended to read:

35.91 (3) ~~Soft cover copies of the The Blue Book shall be sold at \$1 per copy. If available, hard cover copies of the Blue Book may be sold at \$2 per copy.~~

SECTION 291e. 35.93 (3) to (5) of the statutes are amended to read:

35.93 (3) The revisor shall ~~monthly~~ compile and deliver to the department for printing copy for a register which shall contain all the rules filed since the compilation of rules for the preceding issue of the register was made and those executive orders which are to be in effect for more than 90 days or an informative summary thereof. The complete register shall be compiled and published before the first day of each month and a notice section of the register shall be compiled and published before the 15th day of each month. The register shall be printed in the same style as the original code and shall be so set up as to

permit the changes to be inserted as pages of the original code in lieu of the pages containing superseded material. Each issue of the register shall contain a title page with the name "Wisconsin administrative register," the number and date of the register, and a table of contents. Each page of the register shall also contain the date and number of the register of which it is a part in addition to the other necessary code titles and page numbers. The revisor may include in the register such instructions or information as in the revisor's judgment will help the user to correctly make insertions and deletions in the code and to keep the code current.

(4) Each issue of the Wisconsin administrative register shall contain a notice section in which shall be printed the notices of hearings on ~~rule-making~~ rule making which agencies have transmitted to the revisor for that purpose, notices of intent to adopt rules without a public hearing under s. 227.02 (1) (e), notices of referrals of proposed rules to presiding officers under s. 227.018 (2), notices of emergency rules in effect, fiscal estimates for rule-making orders under s. 227.019 and such other notices as may be required by law or determined by the revisor to be appropriate. The notice section shall be printed or duplicated in such a manner as to make it easily distinguishable from the remainder of the register. ~~No charge shall be made for the notice section.~~

(5) The department shall determine, on the basis of ~~possible free~~ the distribution requirements under s. 35.84 and probable sales demands, the number of copies of each part of the code and each issue of the register to be printed.

SECTION 291em. 36.11 (8e) of the statutes is created to read:

36.11 (8e) PARKING FEES. The board shall direct each institution and center within the system to charge a parking fee for the parking of motor vehicles by students, faculty, academic and classified staff and visitors at campus. The board shall require the fee to be sufficient to recover the full costs associated with providing the parking facilities, including that portion of the costs of the land, construction and maintenance necessary for the parking facilities. Nothing in this paragraph shall be deemed to require the recovery of the costs of land for parking facilities if such costs, including debt service, if any, have been paid in full prior to the effective date of this act (1979). Nothing in this paragraph shall be deemed to require that all users of the parking facilities be charged a parking fee. Center campus facilities owned by a county are not required to charge a parking fee.

SECTION 291er. 36.11 (8m) of the statutes is created to read:

36.11 (8m) TRANSPORTATION PLANNING. The board shall direct the administrative officers of each campus to work with the regional planning commissions and the local authorities of the community in which the campus is located to evaluate the transportation needs of the campus population. The board shall require each campus to develop a transportation plan for the campus to effect energy resource conservation and efficient use of transportation resources. The plan shall include pedestrian walkways, bikeways, bike routes, bicycle storage racks, car and van pools and, to the extent feasible, improved mass transit services. The transportation plans shall detail parking management strategies which provide incentives for the use of mass transit and high occupancy vehicles. The transportation plans shall be implemented by January 1, 1982.

~~SECTION 291g. 36.25 (22) of the statutes is created to read:~~

~~36.25 (22) EXTENSION ENERGY SERVICE PROGRAM. The extension shall coordinate any energy service program according to the statement of educational priorities and technical needs developed by the department of administration under s. 16.958.~~

SECTION 291m. 38.04 (10) of the statutes is amended to read:

38.04 (10) ADDITIONAL FACILITIES. The board shall review and approve any proposals by district boards for land acquisition, additional or new facilities, rentals and remodeling of existing facilities, prior to the letting of contracts to construct, remodel, rent or incur debt for such facilities or acquisition of land. The board shall encourage district boards to

finance capital building proposals with long term benefits through bonding or promissory note obligations.

SECTION 292. 38.12 (2) (a) of the statutes is renumbered 38.12 (2).

SECTION 293. 38.12 (2) (b) of the statutes is repealed.

SECTION 293m. 38.12 (6) of the statutes is created to read:

38.12 (6) TRANSPORTATION PLANNING. The district board shall work with the regional planning commissions and the local authorities of the community in which the district school is located to evaluate the transportation needs of the district school population. The district board shall develop a transportation plan for the district school to effect energy resource conservation and efficient use of transportation resources. The plan shall include pedestrian walkways, bikeways, bike routes, bicycle storage racks, car and van pools, and to the extent feasible, improved mass transit services. The transportation plans shall detail parking management strategies and parking fee policies which provide incentives for the use of mass transit and high occupancy vehicles. The plans shall be implemented by January 1, 1982.

SECTION 294. 38.14 (10) of the statutes is created to read:

38.14 (10) BONDS FOR OFFICERS AND EMPLOYEES. The district board may require an officer or employe of the district board to give security for the faithful performance of his or her duties in such form and amount as the district board determines, and may require at any time additional bonds and sureties of any officer or employe.

SECTION 294m. 38.15 of the statutes is created to read:

38.15 Financing of capital expenditures. (1) Subject to sub. (3), if the district board intends to make a capital expenditure in excess of \$500,000 for the acquisition of sites, purchase or construction of buildings, the lease/purchase of buildings if costs exceed \$500,000 for the lifetime of the lease, building additions or enlargements or the purchase of fixed equipment relating to any such activity, it shall adopt a resolution stating its intention to do so and identifying the anticipated source of revenue for each project and shall submit the resolution to the electors of the district for approval. The referendum shall be noticed, called and conducted under s. 67.05 (6m) (b) to (e) insofar as applicable. For the purposes of this section, all projects located on a single campus site within one district which are bid concurrently or which are approved by the board under s. 38.04 (10) within a 2-year period shall be considered as one capital expenditure project.

(2) No more than \$500,000 in reserve funds, consisting of property tax revenues and investment earnings on those revenues, may be utilized by the district board to finance capital expenditures in excess of \$500,000 for the purposes under sub. (1).

(3) This section applies to building program actions approved by the board after January 31, 1980. This section does not apply to capital expenditures in excess of \$500,000 which are fully funded by gifts, grants or federal funds or to building remodeling or improvement projects.

SECTION 295. 38.28 (1m) (a) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

38.28 (1m) (a) "District aidable cost" means the annual cost of operating a vocational, technical and adult education district, including debt service charges for district bonds ~~or and~~ promissory notes for building programs or capital equipment, but excluding all expenditures relating to auxiliary enterprises ~~or and~~ community service programs, all expenditures funded by or reimbursed with federal revenues, all fees collected under s. 38.24 (1), driver education and chauffeur training aids and any expenditures which exceed the allowable budget determined under s. 38.29.

Vetoed
in Part

~~SECTION 295m. 38.29 (2) of the statutes is amended to read: //~~

~~38.29 (2) For the 1978-79 fiscal year, and annually thereafter, the The budgeted full-time equivalent nonfederal operational cost increase for each district over its previous year's actual or allowable full-time equivalent nonfederal operational cost, whichever is lower, shall be limited to 9.5% 10.5%. The previous year's full-time equivalent nonfederal operational cost includes any retroactive salary increases affecting costs in that year which are required in the current year by a decision of a mediator-arbitrator acting under s. 111.70 (4) (cm).~~

Vetoed
in Part

SECTION 296. 39.16 (2) (e) of the statutes is amended to read:

39.16 (2) (e) Encourage and review the development of training programs in relation to the state's health work force needs. Health work force activities performed pursuant to the medical education review committee's functions shall be in accordance with the state comprehensive health plan under s. 140.82.

SECTION 297. 39.32 (10) (b) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

39.32 (10) (b) The board shall have all powers as are reasonably appropriate to the provision of such services and the performance of such contracts and may include charges or fees to be paid by the lenders, institutions and agencies to the board for the provision of such administrative services or any services or activities related to the collection of any student loans for which the board may become responsible by operation of law or by contractual agreements under this paragraph, but such charges or fees, before being instituted by the board, shall be approved by the secretary of the department of administration.

SECTION 297m. 39.37 (4) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

39.37 (4) Revenue obligations issued under this section shall not exceed \$115,000,000 \$215,000,000 in principal amount, excluding obligations issued to refund outstanding revenue-obligation notes.

SECTION 298. 39.43 (2) of the statutes is amended to read:

39.43 (2) Critical manpower personnel shortage areas shall be determined by the state manpower employment and training council created under 29 USC 820 and shall include the first professional degree in veterinary medicine, dentistry, dental hygiene and optometry.

SECTION 299. 39.47 (1) to (4) of the statutes are amended to read:

39.47 (1) There is established, to be administered by the board, a Minnesota-Wisconsin student reciprocity agreement, the purpose of which shall be to ensure that neither state shall profit at the expense of the other and that the determination of any amounts owed by either state under the agreement shall be based on an equitable formula which reflects the educational costs incurred by the 2 states. The board, representing this state, shall enter into an agreement meeting the requirements of this section with the designated body representing the state of Minnesota.

(2) ~~Such~~ The agreement under this section shall provide for ~~remission~~ the waiver of nonresident tuition for a resident of either state who is enrolled as an undergraduate, graduate or professional student at a public institution of higher education operated wholly by the other state. The agreement shall take effect ~~no earlier than July 1, 1973~~ on July 1, 1979, and extend through the academic year ending June 30, 1989. The agreement shall provide for a biennial review of the costs, charges and payments associated with the agreement.

(3) Annually ~~on or after June 30~~, each state shall determine the number of students for whom nonresident tuition has been ~~remitted~~ waived under this the agreement during the period specified in sub. (5) (b). Each state shall certify to the other state, in addition to the number of students so determined, the aggregate amount of ~~tuition that would~~

~~have been paid in that year had this agreement not been in effect, the aggregate amount of tuition actually paid in that year and its net tuition loss its reimbursement obligation. The state with the greater net tuition loss smaller reimbursement obligation shall receive from the other state an amount determined by subtracting the net tuition loss reimbursement obligation of the state making receiving the payment from the net tuition loss reimbursement obligation of the state receiving making the payment. The board, representing this state, and the designated body representing the state of Minnesota shall determine the resulting amount due to either state pursuant to the reciprocity agreement and shall by agreement determine shall provide a reasonable date for payment of any such sums due and owing to either state, after which date interest may be charged on the amount owed. The methodology for determination of the appropriate interest rate shall be included in the agreement.~~ Any payments received by this state under this subsection shall be deposited in the general fund.

(4) No agreement under this section shall be is effective unless the university of Minnesota, each year, accepts a negotiated number of qualified residents of this state, not to exceed 20 24, as entering first-year students into the professional veterinary medicine program at the university of Minnesota, unless it is mutually agreed otherwise.

SECTION 300. 39.47 (5) of the statutes is repealed.

SECTION 301. 40.02 (4) and (5) of the statutes are created to read:

40.02 (4) The actuary or actuarial firm retained under sub. (1) shall be the technical advisor of the employe trust funds board and of all the boards attached to the department and in addition to general advice shall:

(a) Make a general investigation at least once every 3 years of the experience of the retirement funds and systems under chs. 41 and 42 as to mortality, disability, retirement, separation, interest and employe earnings rates and certify, as a result of each such investigation, the tables to be used for computing annuities and benefits and for determining the premiums for disability purposes, and the prescribed rate of interest.

(b) Determine the proper rates of employer contributions under this chapter and chs. 41 and 42.

(c) Make an annual valuation of the liabilities and reserves required to pay both present and prospective benefits under chs. 41 and 42.

(d) Compute and certify the actuarial figures on the financial statements of the department.

(e) Certify, when so requested, the amount of any annuity or benefit granted by the department.

(f) Advise the employe trust funds board on any matters of an actuarial nature affecting the soundness of any of the trust funds or requiring any changes for more satisfactory operation.

(5) The secretary:

(a) Shall employ or select such administrative, clerical and other employes as are required for the administration of the department.

(b) May require any employer to distribute to its employes any materials which are determined to be necessary for the efficient administration of the benefit programs provided by this chapter or chs. 41 or 42.

SECTION 302. 40.11 (2) (d) of the statutes is amended to read:

40.11 (2) (d) Subsequent to the effective date of participation by the state or any employer, no person who has attained age ~~65~~ 70 at the time of becoming initially eligible under this subchapter shall be included, but this ~~provision~~ paragraph does not exclude from participation in the state's group health and accident insurance plan any member of the legislature who has attained age ~~65~~ 70.

SECTION 303. 40.13 (2) (intro.), (a) and (b) of the statutes are repealed.

SECTION 304. 40.13 (2) (c) of the statutes is renumbered 40.13 (3) and amended to read:

40.13 (3) Notwithstanding ~~par. (a) or (b) sub. (2)~~, the maximum reduction in the amount of insurance for any insured state employee who attains age 65 on or after July 1, 1972, shall be 50%, but this ~~paragraph shall~~ subsection does not apply to teachers, as defined in s. 42.20, in the unclassified service of the state until July 1, 1977. Any municipal employer may elect by resolution to extend this additional amount of coverage to all of its eligible employees. The board shall determine the method of administration and the procedure for collection of premiums and municipal employer costs.

SECTION 305. 40.13 (2) of the statutes is created to read:

40.13 (2) Except as provided by sub. (3), the amount of life insurance provided under sub. (1):

(a) For an insured active employee on and after the date the employee attains age 70 is 25% of the amount the employee is otherwise eligible for under sub. (1).

(b) For an insured retired employee on and after the date the employee attains age 65 is:

1. If the employee terminates employment prior to attaining age 70, 75% of the amount in force immediately prior to termination of employment if the employee is 65 years of age, 50% of that amount if the employee is 66 years of age and 25% of that amount if the employee is 67 years of age or older.

2. If the employee terminates employment on or after the date the employee attains age 70, the amount specified under par. (a) on the date the employee terminates employment.

SECTION 306. 40.13 (3) of the statutes is renumbered 40.13 (4) and amended to read:

40.13 (4) ~~The~~ Except as provided by subs. (2) and (3), the amount of life insurance of an employee who prior to age 65 retires on immediate annuity who has been a state employee for not less than 20 years or who has reached his or her normal retirement date, as determined for annuity computation purposes, shall be the same as if ~~he~~ the employee had not retired and his or her earnings had continued as at the time of his or her retirement.

SECTION 307. 40.13 (4) of the statutes is repealed.

SECTION 308. 40.13 (5) and (6) of the statutes are amended to read:

40.13 (5) ~~The~~ Except as provided by subs. (2) and (3), the amount of insurance of an employee who retires on disability annuity shall be the same as if he or she had not retired and his or her earnings had continued as at the time of his retirement.

(6) ~~During~~ Except as provided by subs. (2) and (3), during a period of disability in which premiums are waived under the terms of the insurance contract the amount of insurance shall be the same as if ~~he~~ the employee had not become disabled and ~~his~~ the employee's earnings had continued at the amount thereof at the time of becoming disabled, and the contract may provide that such insurance continues during the continuance of such disability even if the person ceases to be an employee.

SECTION 309. 40.13 (9) of the statutes is repealed and recreated to read:

40.13 (9) Any state employee insured under sub. (1) may elect an additional amount of group life insurance equal to either 50% or 100% of earnings rounded to the next higher \$1,000 if earnings are not in even \$1,000 increments. Additional insurance provided under this subsection terminates:

(a) On the date an insured active employee attains age 70.

(b) On the date an insured retired employee attains age 65.

(c) On the date an insured active employe who is 65 years of age or older and under 70 years of age terminates employment.

SECTION 310. 40.15 (1) and (2) of the statutes are amended to read:

40.15 (1) There shall be withheld from the earnings payment of each insured employe under the age of ~~65~~ 70 and from retirement benefits paid to annuitants under age 65 pursuant to sub. (4) the sum approved by the board, which shall not exceed 60 cents for each \$1,000 of his group life insurance under this subchapter, based upon the last amount of insurance in force during the month for which ~~such~~ the earnings are paid. The equivalent premium may be fixed by the board if the annual compensation is paid in other than 12 monthly instalments. ~~Such~~ The withholdings shall be remitted to the board by the respective departments or agencies in which ~~such~~ the employes are employed and by the respective retirement systems for insured annuitants, in the manner and within the time limit fixed by rule.

(2) Beginning with the month in which an insured active employe reaches his ~~65th~~ or her 70th birthday, no withholdings from his or her earnings ~~shall~~ may be made under this section. Withholdings or employe contributions for insured retired employes shall cease on the date the employe attains age 65 or the date the employe terminates employment, whichever is later. Withholdings shall not be made from the earnings of an insured employe during a period of disability in which premiums are waived under the terms of the insurance contract.

SECTION 311. 40.15 (3) of the statutes is repealed and recreated to read:

40.15 (3) The premium for group life insurance for an employe retired on a disability annuity, or determined under the insurance contract to be disabled, is waived effective with the month commencing after earnings cease except this waiver does not apply to any month commencing prior to the date the employe attains age 65 during which the employe is not disabled. The disabled employe shall make premium contributions for any month for which earnings are paid by the state.

SECTION 312. 40.15 (4) (intro.) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

40.15 (4) (intro.) ~~Except as provided under sub. (3), any~~ An insured employe who is retired and who is otherwise eligible shall continue to be covered if:

SECTION 313. 40.16 (2) of the statutes is amended to read:

40.16 (2) The state shall contribute toward the payment of premiums for health insurance under this section an amount equal to ~~50%~~ 90% of the gross premium for any insured employe who works for more than 1043 hours per year, and who is not an annuitant or who is not a retired employe qualifying for continued insurance coverage under s. 40.19 (2), and his or her dependents for the standard health insurance coverage determined by the board. ~~The amount to be contributed by the state under this subsection shall be increased on January 1, 1970, to 75% and on July 1, 1970, to 90% of the premium for the standard health insurance coverage, except that such increased contributions by the state shall not be made for teachers, as defined in s. 42.20, in the unclassified service of the state and except that the state shall, after February 16, 1978, contribute 50%~~ 45% of the premium for standard health insurance coverage under this section for insured employes ~~in permanent part-time positions or project positions as defined in s. 230.27~~ who work at least 600 but less than 1,044 hours per year. ~~The state shall contribute toward the payment of premiums for health insurance under this section an amount equal to 90% of the gross premium for all teachers, as defined in s. 42.20, in the unclassified service of the state, commencing July 1, 1972.~~

SECTION 314. 40.70 (2) of the statutes is amended to read:

40.70 (2) Different percentages may be applied to annuities with different dates of initial payment as may be determined to be equitable but no other distinction shall be made among the various types of annuities payable from the fixed annuity reserve.

SECTION 314c. 40.85 of the statutes is created to read:

40.85 Termination of variable participation. (1) The employe trust funds board shall by rule provide that a participant or member who elected variable participation under ch. 41 or 42 prior to the effective date of this act (1979) may by filing written notice with the department elect to cancel that variable participation as to future contributions. The employe trust funds board shall by rule also permit a participant or member who elects or has elected to cancel variable participation as to future contributions, or an annuitant, to elect, by filing written notice with the department, to transfer variable contribution accumulations to the fixed annuity division.

(2) A participant or member may specify in a notice filed under sub. (1) that election to cancel participation in the variable annuity division is conditional. If the participant or member so specifies the election is effective on the first date on which it may take effect on which the participant or member:

(a) Is an annuitant and the amount of the annuity the participant or member will receive if the election is made effective is greater than or equal to the amount of the annuity the participant or member would have received if the participant or member had not elected variable participation; or

(b) Is not an annuitant and the accumulated amount which is to be transferred to the fixed annuity division is equal to or greater than the amount which would have accumulated if the segregated contributions had been originally credited to the fixed annuity division.

(3) An election under sub. (1) or (2) is irrevocable and continuing except a participant or member may make a conditional election unconditional by filing written notice with the department.

SECTION 314g. 40.86 of the statutes is created to read:

40.86 Disability annuity options. (1) Notwithstanding any other law, a participant or member applying for a disability annuity under ch. 41 or 42 may elect to receive the actuarial equivalent of the disability annuity provided under ch. 41 or 42 in one of the following annuity forms:

(a) A straight life annuity terminating at the death of the annuitant.

(b) An annuity payable for the life of the annuitant with a guarantee of 180 monthly payments.

(c) An annuity payable for the life of the annuitant, and after the death of the annuitant, monthly payments, as elected by the participant or member, of either 100% or 75% of the amount of the annuity paid to the annuitant to be continued to the one beneficiary, for life, who is designated by the participant or member in the original application for an annuity.

(d) Any optional life annuity form prescribed by the employe trust funds board.

(2) If an optional annuity form is elected under this section the amount of the normal form disability annuity to which the participant or member is entitled under ch. 41 or 42 which is greater than the normal form retirement annuity to which the participant or member would be entitled under ch. 41 or 42, notwithstanding the age 55 requirement, shall be paid only as a straight life annuity terminating on the death of the annuitant. The balance of the present value of the disability annuity provided under ch. 41 or 42 shall be applied to provide an annuity in the optional form elected.

SECTION 314m. 40.87 of the statutes is created to read:

40.87 Credit reinstated under Wisconsin retirement system. (1) If a participant or member receives a benefit under ch. 41 or 42 in a single sum after being discharged by an employer and is subsequently reinstated to a position with the employer by a court order, arbitration award, compromise settlement or otherwise as a result of an appeal of the discharge, all rights of the participant or member which were forfeited as a result of the payment of the benefit, including creditable service and accumulated contributions and deposits, are reinstated. The full amount of the benefit paid after discharge, plus interest at the rate applied to the contributions or deposits of the participant or member, shall be repaid to the department by the employer of an employee whose rights are reestablished under this subsection within 60 days after the effective date of the employee's reinstatement. The amount repaid by the employer under this subsection shall be deducted by the employer from any payment due the employee as a result of the resolution of the appeal or, if that amount is insufficient, the balance shall be deducted from the employee's earnings except the amount deducted from each earnings payment shall be not less than 10% nor more than 25% of the earnings payment. If the employee terminates employment the employer shall notify the department of the amount not yet repaid, including any interest due, at the same time it notifies the department of the termination of employment, and the department shall repay to the employer the balance of the amount due from retentions made under sub. (2). The employer may charge interest, at a rate not in excess of the rate applied in the current year to contributions or deposits of participants or members, on any amount unpaid at the end of any calendar year after the year of reinstatement.

(2) The department shall retain from a benefit or annuity payable under ch. 41 or 42 an amount determined by it for the purpose of reimbursing an employer for an amount determined under sub. (1).

SECTION 315. 41.03 (1) (a) of the statutes is renumbered 41.03 (1).

SECTION 316. 41.03 (1) (b) of the statutes is repealed.

SECTION 317. 41.04 (1) (j) of the statutes is repealed.

SECTION 317c. 41.08 (1) (b) 4 of the statutes is amended to read:

41.08 (1) (b) 4. Upon the granting of a retirement annuity, a disability annuity, a death benefit or a separation benefit, all of the accumulated credits and the creditable service of such participant shall thereupon be terminated and no further right to such credits shall exist other than the right to such annuity or benefit so granted except as provided by s. ss. 40.87 and 41.14.

SECTION 317g. 41.085 of the statutes is created to read:

41.085 Credit during period of temporary disability. (1) If a participating employee receives temporary disability compensation under s. 102.43 for any period prior to termination of employment with the participating employer which commences on or after the effective date of this act (1979), the employee shall be:

(a) Credited with current service during that period on the same basis as the employee was credited with current service immediately prior to the commencement of the period; and

(b) Treated for all purposes of the fund, including, but not limited to, contributions and benefits, as having received the amount and rate of earnings the employee would have received if the disability had not occurred, including adjustments in the rate of earnings of the employee made during that period in good faith.

(2) Earnings and current service determined under sub. (1) shall be reported by the employer to the department. The employer shall pay all employer and employee contributions payable under this section with respect to the earnings and current service except the employer may recover from the employee's earnings paid after the employee returns to employment with the employer the amount which the employer paid on behalf of the employee which is customarily actually paid by the employee under s. 41.07 (2). The

employer may not deduct the amount recoverable under this subsection from the employe's earnings at a rate greater than 5% of each payment of earnings.

(3) The employe trust funds board may adopt rules necessary for the administration of this section.

SECTION 318. 41.11 (title) and (1) of the statutes are repealed and recreated to read:

41.11 (title) Employee retirement; annuities. (1) A participating employe, other than an elected official, may be retired by the employer after the employe attains his or her normal retirement date, under policies established or agreed to by the employer, except as prohibited by federal law.

SECTION 319. 41.11 (2) of the statutes is amended to read:

41.11 (2) JUSTICES AND CERTAIN JUDGES. Each supreme court justice, court of appeals judge and circuit judge who attains age 70 shall be retired not later than the July 31 following the date on which he or she attains the age of 70. ~~This subsection shall supersede the provisions of sub. (1) for supreme court justices, court of appeals judges and circuit judges.~~

SECTION 319g. 41.12 (1) (a) to (c) of the statutes are amended to read:

41.12 (1) (a) Any participating employe may by written notice to the board filed prior to the effective date of this act (1979), elect to provide for a variable annuity through a segregation of credits in his or her account to be accumulated from future contributions. ~~Such~~ The notice of segregation is effective as of the beginning of the calendar quarter year following its receipt by the board, except that a notice received by the board during the first calendar quarter year of employment ~~shall be~~ is effective as of the beginning date of ~~such~~ the employment.

(b) ~~Such segregation~~ Segregation under par. (a) shall continue in effect as long as the person filing the notice of segregation continues to be a participant and may not be reduced except as provided by s. 40.85.

(c) Any segregation may be increased in the manner provided under par. (a) if notice is filed prior to the effective date of this act (1979), and when increased shall be subject to par. (b).

SECTION 319m. 41.13 (2) (cc) of the statutes is amended to read:

41.13 (2) (cc) ~~If~~ Except as provided by s. 40.87 if a person who has received a separation benefit subsequently becomes a participant, his or her service prior to the payment of ~~such~~ the separation benefit shall be disregarded for purposes of determining his or her eligibility for, or the amount of, any benefit under this section.

SECTION 320. 41.14 (2) (f) of the statutes is amended to read:

41.14 (2) (f) Upon the death of a participating employe after credits have been reestablished in his or her account ~~pursuant to under~~ s. 41.08 (1) (a) 3, the amount determined in accordance with par. (a), (b) or (g), ~~but the amount so determined shall be reduced by the sum of all disability or retirement annuity payments received by such employe; but the amount so determined shall not be less than the accumulations from the normal and additional contributions made by the participant after the date of the most recent termination of his annuity.~~

SECTION 321. 41.20 (2) (a) of the statutes is amended to read:

41.20 (2) (a) Separate reserves for annuities granted equal to the present value as of the date of commencement of all retirement, disability and beneficiary annuities previously granted; plus interest on the mean amount of such reserve during each calendar year, computed at not less than the prescribed rate; reduced by the aggregate amount of annuity payments and death benefits paid with respect to such annuities; and reduced by the present value at the date of termination of all annuities terminated in accordance with

s. 41.11 (12) (a) or 41.13 (2) (e); and reduced by the amount by which the present value as of the date of commencement of all disability annuities which were terminated in accordance with s. 41.13 (4) exceeds the amount reimbursed. ~~As of any January 1 on which the surplus with respect to disability annuities granted exceeds 5% of the reserve for such annuities, such excess shall be added to the disability benefit surplus and deducted from the reserve for disability annuities granted.~~

SECTION 322. 41.60 (1), (2) and (3) of the statutes are repealed and recreated to read:

41.60 (1) TERMINATION OF MUNICIPAL PENSION FUNDS FOR POLICE OFFICERS AND FIRE FIGHTERS; TRANSFER OF LIABILITIES. At the close of business on March 31, 1978, each pension fund created under s. 61.65 or 62.13 (9), (9a) or (10), 1975 stats., shall cease to exist, whereupon the liabilities of each such fund are transferred to the Wisconsin retirement fund. The liabilities of each fund terminated by this subsection shall be accounted for and paid by the Wisconsin retirement fund as provided by this section.

(2) EMPLOYEE AND EMPLOYER CONTRIBUTIONS. (a) Effective for earnings as defined by s. 61.65 or 62.13 (9), (9a), or (10), 1975 stats., paid after March 31, 1978, each employe affected by this section shall make contributions to the Wisconsin retirement fund in an amount equal to 4% of salary.

(b) Except as provided by par. (c) each employer affected by this subsection shall reimburse the Wisconsin retirement fund for all payments made under sub. (4) or (5) as a result of employment with that employer. Payments made under s. 41.23 are not included as payments for which the Wisconsin retirement fund is to be reimbursed. The reimbursements due from the employer under this paragraph shall be offset by application of contributions made under par. (a), applied by the department at times determined by it, and by any contributions made under s. 41.60 (2) (a) 1 and 2, 1977 stats., which have not been applied prior to the effective date of this act (1979).

(c) If an employer adopted a resolution prior to the effective date of this act (1979) specifying that it preferred the payment method under s. 41.60 (2) (a) and (b), 1977 stats., par. (b) does not apply to that employer and the employer shall contribute:

1. A percentage of the earnings for each of its employes affected by this subsection equal to the percentage of earnings determined for employer required contributions for participants subject to s. 41.07 (2) (a) 4, without offset by contributions under par. (a); and

2. The amount necessary to pay the accrued liability, as determined under s. 41.60 (1), 1977 stats., in accordance with the amortization schedule provided by s. 41.105. The accrued liability determined under s. 41.60 (1), 1977 stats., shall be added to and considered an integral part of the accrued liability and amortization schedule provided by s. 41.105.

(d) All amounts due under this subsection shall be paid in accordance with the procedures established by the department.

(3) AUTHORITY. The secretary shall assume, and be responsible for, all authority previously exercised by village or city officials relative to pension funds and benefits provided under ss. 61.65 and 62.13 (9), (9a) and (10), 1975 stats., prior to March 31, 1978, except the governing body of the employer shall exercise the authority provided under s. 62.13 (9) (c) 3, first sentence, 1975 stats.

SECTION 323. 42.22 (4) of the statutes is repealed.

SECTION 324. 42.22 (5) of the statutes is renumbered 42.22 (3).

SECTION 324b. 42.242 (5) of the statutes is amended to read:

42.242 (5) SEPARATION BENEFITS. Any member who has ceased to be employed as a teacher in the public schools, state universities or university in this state, and is not on leave of absence from a teaching position in the public schools, state universities or university in this state, may be paid the accumulation from the member's deposits made while a member of the combined group based on teaching service performed after June 30, 1957, on filing with the board before the 50th birthday anniversary of such member a written request therefor and, except as provided by s. 40.87, a full and complete discharge and release of all right, interest or claim on the part of such member to state deposit accumulations based on teaching service performed after June 30, 1957. Withdrawal of accumulations from member's deposits made before ~~said~~ the member became a member of the combined group shall be governed by s. 42.49.

SECTION 324d. 42.243 (2) (a), (b), (d) and (g) of the statutes are amended to read:

42.243 (2) (a) Each member of the combined group, or any prospective member of ~~such the combined~~ group who has signed a contract or accepted an appointment to teach for the ensuing school year, may elect, by written notice filed with the board prior to the effective date of this act (1979), upon a form furnished by the board, to have 50% of his or her required deposits and state deposits paid into the retirement deposit fund of the variable annuity division and reserved for the purchase of a variable annuity.

(b) ~~Said The~~ election may be made at any time prior to the effective date of this act (1979), and shall become effective as to deposits based on earnings after the following June 30 unless the board adopts rules which permit an election to become effective earlier.

(d) ~~Said The~~ election, once made, is irrevocable, except as provided by s. 40.85, but any election filed during a period of membership which was terminated shall not continue to be effective if the person again becomes a member.

(g) Any member of the separate group may direct, upon a form furnished by the board received prior to the effective date of this act (1979), that any or all additional deposits subsequently made by or on behalf of ~~said the~~ member be paid into the retirement deposit fund of the variable annuity division, but the maximum amount of ~~such~~ additional deposits paid into ~~such the~~ fund shall be \$5,000 per year. Benefits available from additional deposit accumulations for members of the combined group shall also be available to members of the separate group. Subsection (3) ~~shall does~~ not apply to members of the separate group.

SECTION 324f. 42.243 (7) (e) of the statutes is amended to read:

42.243 (7) (e) *Separation benefits.* Any member who has ceased to be employed as a teacher in the public schools, state universities or university in this state, and is not on leave of absence from a teaching position in the public schools, state universities or university in this state, may be paid the accumulation from the member's deposits made in or transferred to the variable annuity division, on filing with the board before the 50th birthday anniversary of such member a written request therefor and, except as provided by s. 40.87, a full and complete discharge and release of all right, interest or claim on the part of such member to state deposit accumulations which accrued in the variable annuity division as the result of state deposits made in or transferred to the variable annuity division while he or she was a participant therein. Withdrawal of accumulations from member's deposits in the fixed annuity division shall be governed by s. 42.242 (5).

SECTION 324h. 42.245 (1) (b) and (4) of the statutes are amended to read:

42.245 (1) (b) A period of service as a teacher in Wisconsin teaching shall be deemed to have ended each time a member has been granted an annuity or separation benefit. Such member shall be considered a new member upon resumption of teaching following the granting of an annuity or separation benefit, except that prior creditable service may be reestablished in accordance with s. 40.87.

(4) SEPARATION BENEFITS. Any formula group member who has ceased to be employed as a teacher in Wisconsin teaching and who is not on authorized leave of absence from a teaching position in Wisconsin teaching, shall be paid the accumulation from the member's required and additional deposits upon filing with the board, before the 55th birthday of the member, a written request therefor and, except as provided by s. 40.87, a full and complete discharge and release of all right, interest or claim on the part of the member to state deposit accumulations and to any benefit arising under this subchapter.

SECTION 324j. 42.245 (7) (b) of the statutes is amended to read:

42.245 (7) (b) Each member of the formula group may elect, by written notice filed with the board prior to the effective date of this act (1979), upon a form furnished by said the board, to have 50% of his or her required deposits and not to exceed \$5,000 in any fiscal year of his or her additional deposits, paid into the retirement deposit fund of the variable annuity division. With respect to members who so elect or who made such an election prior to becoming members of the formula group, there shall concurrently be paid into the state accumulation fund of the variable annuity division an amount equal to the amount of each required deposit paid into the retirement deposit fund of the variable annuity division after June 30, 1966. A formula group member may terminate participation in the variable annuity division under s. 40.85.

SECTION 324m. 42.425 of the statutes is created to read:

42.425 Credit during period of temporary disability. (1) If a teacher receives temporary disability compensation under s. 102.43 for any period prior to termination of employment as a teacher with an employer which commences on or after the effective date of this act (1979), the teacher shall be:

(a) Credited with creditable service under this subchapter during that period on the same basis as the teacher was credited with creditable service immediately prior to the commencement of the period; and

(b) Treated for all purposes of this subchapter, including, but not limited to, deposits and benefits, as having received the amount and rate of compensation during the period the teacher would have received if the disability had not occurred, including adjustments in the rate of compensation of the teacher made during that period in good faith.

(2) Compensation and creditable service determined under sub. (1) shall be reported by the employer to the department. The employer shall pay all required deposits and state deposits payable under this section with respect to the compensation and creditable service except the employer may recover from the teacher's compensation paid after the teacher returns to employment with the employer the amount of required deposits the employer paid on behalf of the teacher which is customarily actually paid by the teacher under s. 42.40. The employer may not deduct the amount recoverable under this subsection from the teacher's compensation at a rate greater than 5% of each payment of compensation.

(3) The employe trust funds board may adopt rules necessary for the administration of this section.

SECTION 325. 42.49 (1) (intro.) of the statutes is amended to read:

42.49 (1) (intro.) WITHDRAWALS. Upon ~~the expiration of 6 months after filing application with the board by a member who has ceased to be employed as a teacher in the public schools, state universities or university in this state~~ Wisconsin teaching, and who is not on a leave of absence from a teaching position ~~in the public schools, state universities or university in this state~~ in Wisconsin teaching, the accumulations from the member's deposits, or any part thereof of the accumulations, may be withdrawn:

SECTION 325g. 42.49 (14) of the statutes is amended to read:

42.49 (14) LUMP SUM WITHDRAWAL; FORFEITURE. Any member of the separate group, who ceases to be employed as a teacher in the public schools, state universities or university in this state, and is not on leave of absence from a teaching position in the public schools, state universities or university in this state, shall be paid the accumulation from all of the member's deposits, on filing with the board a written request therefor and, except as provided by s. 40.87, a full and complete discharge and release of all right, interest or claim on the part of such member under the state teachers retirement law.

SECTION 326. 42.50 (1) (a) and (c), (4) (intro.) and (6) of the statutes are amended to read:

42.50 (1) (a) In the case of a member of the formula group the accumulation at the date of death if prior to July 1, 1966, and otherwise the accumulation at June 30, 1966, from state deposits made on the member's behalf, compounded to the end of the last completed calendar ~~month quarter~~ preceding death the date of receipt of an application by the department at the respective rates of interest credited to individual accounts in the fixed annuity division from year to year, but any accumulation on June 30, 1966, from state deposits in the variable annuity division shall be so compounded at the respective rates of net gains and losses credited to individual accounts in the variable annuity division; or

(c) In the case of death after May 11, 1973, of a member of the formula group who was a member of the system on June 30, 1966, the accumulation at June 30, 1973, or at the date of death of the member if earlier, from state deposits made on the member's behalf, compounded to the end of the last completed calendar ~~month quarter~~ preceding death the date of the receipt of an application by the department at the respective rates of interest credited to individual accounts in the fixed annuity division from year to year, but any accumulation on June 30, 1973, from state deposits in the variable annuity division shall be so compounded at the respective rates of earnings and capital gains and losses credited to individual accounts in the variable annuity division. For purposes of this paragraph the accumulation from state deposits at June 30, 1973, is deemed to include an amount equal to the accumulation from a member's required deposits for teaching service in Wisconsin teaching during the period July 1, 1966, through June 30, 1973.

(4) (intro.) Upon the death after June 30, 1966, of a member age 60 or more of the formula group while employed as a teacher in Wisconsin teaching, or while on authorized leave of absence from a teaching position in Wisconsin teaching, ~~and if such member has not previously been granted an annuity under this subchapter~~, there may be paid in lieu of any other benefit under this section a death benefit as follows:

(6) Upon the death of a member after credits have been reestablished in his or her account ~~pursuant to~~ under s. 42.245 (5) (b), the amount of a death benefit shall be as otherwise determined under this section, ~~but the amount so determined shall be reduced by the sum of all retirement annuity payments received by such member.~~

SECTION 327. 42.531 of the statutes is repealed and recreated to read:

42.531 Retirement of employes. An employer may, under policies established or agreed to by the employer, require a member to retire after the member attains age 65, unless prohibited by federal law.

SECTION 328. 42.71 (intro.) (exc. 42.71 (title)) and (1) (a) of the statutes are repealed.

SECTION 329. 42.71 (1) (b) to (e) of the statutes are renumbered 42.71 (1) (a) to (d).

SECTION 330. 42.71 (1) (f) of the statutes is repealed.

SECTION 330c. 42.75 (1) of the statutes is amended to read:

42.75 (1) SEPARATION BENEFITS. Any member who has ceased to be employed as a teacher in the public schools of a ~~city of the~~ 1st class city, and is not on leave of absence from a teaching position in such city, may be paid the accumulation from the member's deposits made while a member of the combined group, on filing with the board before the 55th birthday anniversary of such member a written request therefor and, except as provided by s. 40.87, a full and complete discharge and release of all right, interest or claim on the part of such member to state deposit accumulations which accrued while a member of the combined group. Withdrawal of member's deposits made before said member became a member of the combined group shall be governed by s. 42.86.

SECTION 330g. 42.76 (3) (a), (b) and (d) of the statutes are amended to read:

42.76 (3) (a) Each member of the combined group may elect, by written notice filed with the board prior to the effective date of this act (1979), upon a form furnished by the board, to have 50% of his or her required deposits and state deposits paid into the retirement deposit fund of the variable annuity division beginning September 1, 1958, and reserved for the purchase of a variable annuity.

(b) ~~Said election~~ Election under this subsection may be made at any time prior to the effective date of this act (1979), by the member, and shall become effective as to deposits based on earnings after the following June 30 unless the board adopts rules for more frequent elections.

(d) ~~Said election~~ Election under this subsection, once made, is irrevocable except as provided by s. 40.85.

SECTION 330j. 42.76 (10) of the statutes is amended to read:

42.76 (10) SEPARATION BENEFITS. Any member who has ceased to be employed as a teacher in the public schools of a ~~city of the~~ 1st class city, and is not on leave of absence from such teaching position, may be paid the accumulation from the member's deposits made in or transferred to the variable annuity division, on filing with the board before the 55th birthday anniversary of such member a written request therefor and, except as provided by s. 40.87, a full and complete discharge and release of all right, interest or claim on the part of such member to state deposit accumulations which accrued in the variable annuity divisions as the result of state deposits made in the variable annuity division while he or she was a participant therein. Withdrawals of accumulations from member's deposits in the fixed annuity division shall be governed by s. 42.75 (1).

SECTION 330m. 42.78 (6) of the statutes is amended to read:

42.78 (6) SEPARATION BENEFITS. Any formula group member who has ceased membership teaching and is not on authorized leave of absence from membership teaching shall be paid the accumulation from the member's required and additional deposits, including the amount paid by the member ~~pursuant to~~ under s. 42.80 (1) to (5), the total reduced by any amount transferred to the public employes social security fund for the payment of employe retroactive social security contributions ~~pursuant to~~ under s. 42.71 (2) (d), upon filing with the board, before the 55th birthday of the member, a written request therefor and, except as provided by s. 40.87, a full and complete discharge and release of all right, interest or claim on the part of the member to state deposit accumulations and to any benefit arising under this subchapter.

SECTION 330p. 42.78 (8) (a) of the statutes is amended to read:

42.78 (8) (a) Each member of the formula group may elect, by written notice filed with the board prior to the effective date of this act (1979), upon a form furnished by ~~said~~ the board, to have 50% of his or her required deposits and not to exceed \$5,000 in any fiscal year of his additional deposits, paid into the retirement deposit fund of the variable annuity division. With respect to members who so elect or who made such an election prior to becoming members of the formula group, there shall concurrently be paid into the state accumulation fund of the variable annuity division an amount equal to the amount

of each required deposit paid into the retirement deposit fund of the variable annuity division after June 30, 1966. A formula group member may terminate participation in the variable annuity division under s. 40.85.

SECTION 330r. 42.88 of the statutes is created to read:

42.88 Credit during period of temporary disability. (1) If a teacher receives temporary disability compensation under s. 102.43 for any period prior to termination of employment as a teacher with a 1st class city which commences on or after the effective date of this act (1979), the teacher shall be:

(a) Credited with creditable service under this subchapter during that period on the same basis as the teacher was credited with creditable service immediately prior to the commencement of the period; and

(b) Treated for all purposes of this subchapter, including, but not limited to, deposits and benefits, as having received the amount and rate of compensation during the period the teacher would have received if the disability had not occurred, including adjustments in the rate of compensation of the teacher made during that period in good faith.

(2) Compensation and creditable service determined under sub. (1) shall be reported by the board of school directors to the department. The board of school directors shall pay all required deposits and state deposits payable under this section with respect to the compensation and creditable service except the board of school directors may recover from the teacher's compensation after the teacher returns to membership teaching the amount of required deposits the board of school directors paid on behalf of the teacher which is customarily actually paid by the teacher under s. 42.80. The board of school directors may not deduct the amount recoverable under this subsection from the teacher's compensation at a rate greater than 5% of each payment of compensation.

(3) The employe trust funds board may adopt rules necessary for the administration of this section.

SECTION 330t. 42.91 (1) of the statutes is amended to read:

42.91 (1) When a member of the state teachers retirement system ceases to be employed in a school or school system to which the state teachers retirement law applies and becomes employed in a position in a school or school system to which this subchapter applies such member may elect in writing, filed with the state teachers retirement board, to withdraw the total accumulation from such member's deposits in the state teachers retirement system, under s. 42.49 (1), and, except as provided by s. 40.87, to discharge, release, waive and forfeit all interest, right or claim on the part of such member or his or her heirs, assigns, beneficiaries or estate under the state teachers retirement law. The amendment (1961) is retroactive to August 16, 1957, and shall apply to all withdrawals under this subchapter since that date. The member's deposits based on teaching service after September 1, 1958, which, prior to this amendment, were forfeited under this subchapter shall be paid to any member who has suffered such forfeiture.

SECTION 331. 43.03 (1) of the statutes is amended to read:

43.03 (1) Appoint under outside the classified service a professionally trained and suitably qualified library administrator as assistant state superintendent who shall serve under his the state superintendent's supervision as administrator of the division for library services.

SECTION 331a. 44.51 of the statutes is repealed and recreated to read:

44.51 Definitions. In this subchapter, unless the context requires otherwise:

(1) "Board" means the arts board.

(2) "State building" means any permanent structure, which is normally occupied by state employes, wholly or partially enclosed and used for performing or facilitating the performance of the functions of a state agency as defined in s. 20.001 (1), together with all grounds and appurtenant structures and facilities; and

(3) "Work of art" means any original creation of visual art. "Work of art" does not include:

(a) Any reproduction of an original work of art unless directly controlled by the artist as part of a limited edition;

(b) Any decorative, ornamental, functional or landscape element of a state building, unless an artist is specifically commissioned under this subchapter to create unique decorative, ornamental, functional or landscape elements for a particular state building;

(c) Any "art object" which is mass-produced or of standard design; or

(d) Any elements peripheral to the work of art itself, including but not limited to site preparation, or any services necessary for activation of the work of art including but not limited to electricity, water, lighting, security, maintenance and publicity.

SECTION 331b. 44.57 of the statutes is created to read:

44.57 Fine arts in state buildings. (1) **APPLICABILITY.** This section does not apply to:

(a) Any contract for the construction, reconstruction, renovation or remodeling of or addition to any state building if the total construction cost of the project is \$250,000 or less.

(b) Sheds, warehouses, highways or streets, or other buildings or spaces which are not open for entry by the general public in the normal use of the building or space.

(2) **MINIMUM EXPENDITURE REQUIRED.** (a) Except as provided in par. (b), at least two-tenths of one percent of the appropriation for the construction, reconstruction, renovation or remodeling of or addition to a state building, including but not limited to amounts appropriated for design and supervision, site preparation, equipment and administrative and personnel costs, shall be utilized to acquire one or more works of art to be incorporated into the structure for which the appropriation was made, or displayed inside or on the grounds of that structure.

(b) If the state building to which this section applies is located contiguous to other state buildings, the advisory committee acting under sub. (3) may apply the funds set aside under par. (a) to the acquisition of one or more works of art to be incorporated into one of the other contiguous buildings or to be displayed on the grounds of one or more of the contiguous state buildings.

(3) **ADVISORY COMMITTEE.** (a) After selection of the architect for any project subject to this section, the board shall convene an advisory committee for the purpose of reviewing works of art to be incorporated into the structure.

(b) The committee shall consist of one representative of the bureau of facilities management, one representative of the building commission, the architect for the project, 2 representatives of the board and 2 representatives of the state agency originating the construction request, if the agency is not the department of administration.

(4) **CONTRACTS WITH ARTISTS.** (a) After review of the recommendations of the advisory committee convened under sub. (3), the board shall make the final selection of the artist and the work of art to be incorporated into the project. The board shall ensure that the aggregate of works of art selected under this section represent a wide variety of art forms executed by the broadest feasible diversity of artists.

(b) 1. The board shall enter into one or more contracts to procure the work of art selected for the project. Except as provided in subd. 2, the contracts shall provide for sole ownership of the works of art acquired under this section in the state of Wisconsin.

2. If the work of art to be acquired is an existing work of art and is no longer subject to the control of the artist originating the work of art, the contract shall provide sole ownership in the state of Wisconsin, subject to the existing obligations, if any, of the owner to the originating artist. If the work of art selected is a work of art which is owned by the artist originating the work of art or if the work of art has not been executed on the date of the contract, the contract shall provide for sole ownership in the state of Wisconsin, subject to the following rights retained by the artist unless limited by written agreement between the board and the artist:

- a. The right to claim authorship of the work of art.
- b. The right to reproduce the work of art, including all rights secured to the artist under federal copyrights laws.

(5) BOARD RESPONSIBILITIES. After acquisition of the work of art under sub. (4), the board shall:

- (a) Ensure proper execution of the work of art, if the work of art is a new work of art.
- (b) Ensure that the work of art acquired under this section is properly installed within the public view.
- (c) Cooperate with the bureau of facilities management and consult with the artist or the artist's representative to ensure that each work of art acquired under this section is properly maintained and is not artistically altered without the consent of the artist or the artist's representative.
- (d) Ensure that any work of art acquired under this section is maintained and displayed on the grounds of the state building for at least 25 years, unless the board finds that earlier removal is in the public interest. When the board, in consultation with the agency making principal use of the building to which the work of art is appurtenant, determines that the work of art should be removed, the board shall loan the work of art to an accredited museum in the state or to an educational or other appropriate public institution capable of maintaining and exhibiting the work of art.

SECTION 331c. 45.35 (5) (intro.) of the statutes is amended to read:

45.35 (5) (intro.) VETERAN DEFINED; BENEFITS. "Veteran" as used in this chapter, except in s. 45.37 and unless otherwise modified, means any person who served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces, except service on active duty for training purposes, which service entitled the veteran to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Vietnam service medal established by executive order 11231 on July 8, 1965, or for 90 days or more during a war-time period as enumerated under pars. (a) to (g) or under section 1 of executive order 10957 dated August 10, 1961, or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected or died in service, who is either a resident of and living in this state at the time of making application or is deceased, and whose selective service local board, if any, and home of record at time of entry or reentry into active service as shown on the veteran's report of separation from the U.S. armed forces for a qualifying period were in this state or who was either a resident of this state at the time of entry or reentry into active duty or has been a resident of this state for at least 10 years next preceding the veteran's application or death. If the person had more than one qualifying term of service, at least one term of service must have been under honorable conditions or have been terminated by an honorable discharge for the purpose of establishing eligibility under this section and s. 45.37 (1a). Veterans who are otherwise eligible and who are serving on active duty in the U.S. armed forces need not be living in this state on date of application to qualify for benefits from the department. The benefits available to veterans shall also be made available to the widows who are not remarried, widowers and minor or dependent children of deceased veterans if such widows, widowers or minor or dependent children

are residents of and living in this state at the time of making application. Any person whose service on active duty with the U.S. armed forces or in forces incorporated as part of the U.S. armed forces makes such person eligible for general veterans administration benefits shall be deemed to have served under honorable conditions for the purpose of this subsection and s. 45.37 (1a).

SECTION 331d. 45.37 (1a) of the statutes is amended to read:

45.37 (1a) DEFINITION OF VETERAN. "Veteran" as used in this section means any person who served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces who was entitled to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Viet Nam service medal established by executive order 11231 on July 8, 1965, or for at least one day during a war period, as defined in s. 45.35 (5) (a) to (g) or under section 1 of executive order 10957, dated August 10, 1961, and who was officially reported missing in action, killed in action or who died in service, or who was discharged under honorable conditions therefrom after 90 days or more of active service, or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected, or who died as a result of service-connected disability.

SECTION 331f. 45.71 (16) (a) (intro.) of the statutes is amended to read:

45.71 (16) (a) (intro.) Any person who served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces and who is entitled to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Viet Nam service medal established by executive order 11231 on July 8, 1965, or for 90 days or more during a war period as enumerated below or under section 1 of executive order 10957, dated August 10, 1961, or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service-connected or died in service, or who served on active duty for more than 6 months during the period between February 1, 1955, and August 4, 1964, and was honorably discharged, and who has been a resident of this state for at least 5 years next preceding an application or death or who was a resident of this state at the time of enlistment or induction into service and is either a resident of and living in this state at the time of making application or is deceased. If the person had more than one qualifying term of service, at least one term of service must have been under honorable conditions or have been terminated by an honorable discharge. Veterans who are otherwise eligible and who are serving on active duty in the U.S. armed forces need not be living in this state on date of application to qualify for a loan under this chapter. The following are designated as war periods:

SECTION 331g. 45.71 (17) of the statutes is created to read:

45.71 (17) "Weatherization improvement" means any improvement of a housing accommodation primarily designed to minimize the loss of an energy resource used for space heating in the housing accommodation, including, but not limited to, caulking, weatherstripping, insulation and storm windows. "Weatherization improvement" does not include the construction, installation or replacement of any space heating or cooling system.

SECTION 331gm. 45.74 (1) of the statutes is amended to read:

45.74 (1) ANNUAL INCOME LIMITATION. The annual income of the person or both the person and the person's spouse exceeds \$22,000 \$26,000 for loan applications approved during the period of July 1, 1980 to June 30, 1981, or \$27,000 for loan applications approved on or after July 1, 1981.

Vetoed
in Part

~~SECTION 331gp. 45.74 (5) of the statutes is amended to read:~~

~~45.74 (5) Cost of housing. (a) (title) Cost in relation to income limitation. Either the total cost of the housing accommodation including garage, but excluding land and other nonhousing improvements thereon, exceeds 2 times the person's annual income or the total cost of the housing accommodation, including garage, land and other nonhousing improvements thereon exceeds 2.5 times the person's annual income, whichever the person elects. In the case of an improvement loan, the total cost of the housing accommodation and garage means the original cost plus improvements less normal depreciation. However the~~

Vetoed
in Part

~~(b) (title) Total cost limitation. The total cost of the housing accommodation including garage, land, weatherization improvement under s. 45.765 and other nonhousing improvements thereon shall not exceed \$52,500 after July 9, 1978 and \$55,000 after July 1, 1978.~~

SECTION 331gr. 45.745 (5) (b) of the statutes is amended to read:

~~45.745 (5) (b) Total cost limitation. The total cost of the housing accommodation including garage, land, weatherization improvement under s. 45.765 and other nonhousing improvements on the property does not exceed 150% of the total cost limitations specified under s. 45.74 (5) (b).~~

SECTION 331h. 45.76 (1) (a) 2 of the statutes is amended to read:

45.76 (1) (a) 2. A home, including land, housing accommodation, garage, weatherization improvements under s. 45.765 and other improvements.

SECTION 331i. 45.765 of the statutes is created to read:

45.765 Weatherization improvement loan supplement. Subject to the total cost limitation in s. 45.74 (5), a loan for the purchase of a home under this subchapter may include, for weatherization improvements, up to \$2,000 above the amount to be loaned for payment of the total cost of the property. The amount of a weatherization improvement loan supplement authorized under this section may not be included in the total cost of the housing accommodation under s. 45.74 (5) (a) or 45.745 (5) (a), but shall be included in any determination of the total cost of the property under s. 45.77.

SECTION 331m. 45.79 (5) (a) 5 of the statutes is amended to read:

45.79 (5) (a) 5. Designate and maintain a current list of lenders authorized to make or service loans under this section. The department shall adopt rules establishing standards for and governing the performance of authorized lenders in making and servicing loans under this section and shall periodically monitor such performance. Not later than January 1, 1981, the department shall adopt rules to provide for the removal from its list of authorized lenders of any lender that makes an excessive number of errors on loan applications processed under subd. 1. The department may summarily remove from its list of authorized lenders any lender that indicates it does not wish to participate in the program and after hearing on notice remove from its list of authorized lenders any lender that fails to conform with the rules of the department governing such performance, and may refuse to permit a lender so removed to make or service any loan under this section until such time as the department is satisfied that the lender will conform with such rules.

SECTION 331p. 45.79 (7) (c) of the statutes, as affected by chapter (Senate Bill 566), laws of 1979, is amended to read:

45.79 (7) (c) After meeting all expenses of pars. (a) and (b), surpluses in the veterans mortgage loan repayment fund accruing as a result of prepayment of mortgage loans, may be used to fund additional loans issued under sub. (6) (a) for eligible persons and their spouses having a combined annual income not exceeding \$18,000 and for eligible persons whose applications for a loan under this subchapter were received by the department on or before May 28, 1980, or to pay the balances owing on guaranteed loans after the assumptions of the loans or the closings of the sales of residences under sub. (10) (c). Surpluses may be used under sub. (10) (c) only if there are no unrestricted fund balances

Vetoed
in Part

available for such purpose in the funds created under sub. (9). Section 20.001 (3) (e) shall not be construed to prohibit this action.

SECTION 331v. 45.80 (2) (c) of the statutes is amended to read:

45.80 (2) (c) *Maximum primary financing.* The person has obtained the maximum primary financing. The amount of any energy improvement supplement authorized under s. 45.765 may not be included in any determination of maximum primary financing under this paragraph.

SECTION 332. 46.011 (4) of the statutes is amended to read:

46.011 (4) "State health planning and development agency" ~~has the meaning designated under s. 150.001 (13)~~ means the department, as designated under s. 140.82 (1).

SECTION 333. 46.03 (1) of the statutes is repealed and recreated to read:

46.03 (1) INSTITUTIONS GOVERNED. Maintain and govern the Mendota and the Winnebago mental health institutes, the central state hospital, the Oakhill correctional institution, the Waupun correctional institution, the correctional institutions authorized under s. 46.05, the Fox Lake correctional institution, the Green Bay correctional institution, the Taycheedah correctional institution, the Wisconsin correctional camp system, the Dodge correctional institution, the Ethan Allen school, the Kettle Moraine correctional institution, the Lincoln Hills school, the Wisconsin workshop for the blind and the centers for the developmentally disabled.

SECTION 334. 46.03 (6) (c) of the statutes is amended to read:

46.03 (6) (c) Administer parole and probation matters and establish a parole board, which shall be headed by a chairperson.

Vetoed
in Part

~~SECTION 335. 46.03 (13) (a) of the statutes is repealed.~~

SECTION 336. 46.03 (17) (d) of the statutes is created to read:

46.03 (17) (d) To sell services, under contract, which the department is authorized to provide by statute, to any federally recognized tribal governing body.

SECTION 337. 46.031 (1) (a) of the statutes is amended to read:

46.031 (1) (a) (title) *Submission.* County public welfare or social services departments organized under ss. 46.22 and 49.51, mental hygiene boards organized under s. 51.42, developmental disability boards organized under s. 51.437 and community human service boards organized under s. 46.23 shall annually submit a coordinated comprehensive program plan and budget for services directly provided or purchased. ~~Such plans and budgets shall include provisions for services to persons identified as having long-term or recurrent mental illness, as defined by the department. The coordinated plans and budgets shall include separate specific provisions for a continuum of living arrangements for the mentally ill, the developmentally disabled and alcohol and other drug abusers so that these persons may live in the least restrictive environment commensurate with their needs.~~ Such The coordinated plans and budgets shall be prepared in accordance with sub. (2) and be submitted to the department by September 30 of each calendar year.

SECTION 338. 46.031 (1) (b) of the statutes is amended to read:

46.031 (1) (b) (title) *Departmental review procedures.* The department, after consulting with representatives of mental hygiene, developmental disability, public welfare or social services and community human services program directors, shall develop a uniform planning, budgeting and review procedure. The department shall designate the most geographically appropriate grouping of public welfare and social services departments and mental hygiene, developmental disability and community human services programs for coordinated planning and budgeting purposes, and may require the submission of one coordinated plan and budget from each geographical grouping with the approval of the affected county boards of supervisors. The department shall make available such the planning, budgeting and review procedures to county agencies by May 1 of each year.

SECTION 339. 46.031 (2) (a) of the statutes is repealed and recreated to read:

46.031 (2) (a) *Assessment of need.* Before developing a coordinated plan and budget, the public welfare or social services departments and boards listed in sub. (1) (a) shall assess needs and inventory resources and services, using an open public participation process.

SECTION 340. 46.031 (2) (b) (title) of the statutes is renumbered 46.031 (2) (c) (title).

SECTION 341. 46.031 (2) (b) 1 of the statutes is renumbered 46.031 (2) (c) 1 and amended to read:

46.031 (2) (c) 1. A coordinated plan and budget shall be submitted to the county board of supervisors or its designated agent for review and preliminary approval for submission to the department. If the county board of supervisors or its designated agent does not approve a coordinated plan and budget for submission to the department, the board or its designated agent shall state specific reasons for its rejection and need not preliminarily approve the coordinated plan and budget for submission to the department until objections are satisfied. The county board of supervisors or its designated agent or combination of county boards or their designated agents shall submit the coordinated plan and budget to the department by September 30 of each calendar year for its review and approval. After the department's review and approval of the coordinated plan and budget, the department shall return the coordinated plan and budget to the county board of supervisors or combination of county boards for its final review and approval.

2. The department shall also submit to the county board of supervisors or combination of county boards a proposed written contract incorporating the coordinated plan and budget as approved by the department and such other administrative requirements as necessary. The proposed contract shall contain the approved budget and the allocation of funds as determined by the approved coordinated plans and budgets. The contract as approved may contain such conditions of participation as are consistent with federal and state law but shall may not include the cost for administering income maintenance programs. Any changes to the proposed contract ~~must~~ shall be mutually agreed upon. The county board of supervisors or combination of county boards shall approve the coordinated plan and budget and the contract before January 1 of the year in which it takes effect unless the department grants an extension.

SECTION 342. 46.031 (2) (b) 2 of the statutes is renumbered 46.031 (2) (c) 3 and amended to read:

46.031 (2) (c) 3. The department shall review and approve the coordinated plans and budget but shall may not approve budgets for amounts in excess of available revenues. Such Departmental approval constitutes the approved budget. The county board of supervisors may appropriate outside the approved budget funds not used to match state funds under s. ss. 49.52 (1) and 51.42 (8). The projected use and actual expenditure of ~~such~~ county funds shall be reported pursuant to in compliance with procedures developed by the department, and shall ~~be in compliance~~ comply with standards guaranteeing quality of care comparable to similar facilities.

SECTION 343. 46.031 (2) (b) 3 of the statutes, as affected by chapter 34, laws of 1979, is renumbered 46.031 (2) (c) 4.

SECTION 344. 46.031 (2) (b) 4 of the statutes, as affected by chapter 34, laws of 1979, is renumbered 46.031 (2) (c) 5, and 46.031 (2) (c) 5. b, as renumbered, is amended to read:

46.031 (2) (c) 5. b. Is inconsistent with state or federal statutes, rules or regulations, in which case the department may also arrange for provision of services by an alternate agency. The department may not arrange for provision of services by an alternate agency

unless the joint committee on finance or a review body designated by the committee reviews and approves the department's determination;

SECTION 345. 46.031 (2) (b) 5 of the statutes is renumbered 46.031 (2) (c) 6.

SECTION 346. 46.031 (2) (b) of the statutes is created to read:

46.031 (2) (b) *Required provisions.* 1. The coordinated plan and budget shall include the establishment of long-range goals and intermediate-range plans detailing priorities and estimated costs and providing for coordination of local services and continuity of care.

2. The coordinated plan and budget shall describe the public participation process used in its preparation, and the extent of public participation.

3. The coordinated plan and budget shall provide for continuous planning, development and evaluation of programs and services for all population groups.

4. The coordinated plan and budget shall provide for services to persons identified as having long-term or recurrent mental illness, as defined by the department. The coordinated plan and budget shall also provide for a continuum of living arrangements for the mentally ill, developmentally disabled and alcohol and other drug abusers so that these persons may live in the least restrictive environment commensurate with their needs.

SECTION 346m. 46.031 (3) (title) of the statutes is amended to read:

46.031 (3) (title) CITIZEN ADVISORY COMMITTEE.

SECTION 347. 46.031 (3) of the statutes is renumbered 46.031 (3) (a) and amended to read:

46.031 (3) (a) (title) *Creation and duties.* ~~The~~ Except as provided in par. (b), the county board of supervisors of each county or the boards of 2 or more counties jointly may shall establish an a citizen advisory committee to to the public welfare or social services departments and boards listed in sub. (1) (a). The citizen advisory committee shall advise in the formulation of the coordinated plan and budget under this subsection for presentation to the county board or boards establishing the committee. Membership on the committee shall be determined by the county board or ~~board~~ boards of supervisors establishing it and shall include representatives of those persons receiving services, providers of service and citizens. A majority of the members of the committee shall be citizen and service consumers. The committee's membership may not consist of more than 25 % county supervisors, nor of more than 20 % service providers. For boards created under s. 46.23, the committee created by s. 46.23 (8) shall serve the function of a committee established under this subsection. ~~The chairman~~ chairperson of the committee shall be appointed by the county board establishing it. In the case of a multicounty committee, ~~the chairman~~ chairperson shall be nominated by the committee and approved by the county boards establishing it. The county board of supervisors or the boards of 2 or more counties acting jointly may designate an agent to determine the membership of the committee and to appoint the committee chairperson or approve the nominee.

SECTION 347m. 46.031 (3) (b) and (c) of the statutes are created to read:

46.031 (3) (b) *Open public participation process.* The county board of supervisors or the boards of 2 or more counties acting jointly may submit a report to the department on the open public participation process used under sub. (2) (a). The county board of supervisors may designate an agent, or the boards of 2 or more counties acting jointly may designate an agent, to submit the report. If the department approves the report, establishment of a citizen advisory committee under par. (a) is not required.

(c) *Yearly report.* The county board of supervisors or its designated agent, or the boards of 2 or more counties acting jointly or their designated agent, shall submit to the department a list of members of the citizen advisory committee under par. (a) or a report on the open public participation process under par. (b) on or before July 1 of each year.

SECTION 348. 46.037 (1) (b) of the statutes is amended to read:

46.037 (1) (b) Rules of allowable costs shall be established by the department. The rules of allowable costs shall include a provision specifying that allowable costs for salaries shall be established by determining the number of allowable positions for each institution and the salaries for comparable state positions and shall not exceed the sum of the salaries of the comparable positions. The department shall determine the rates for residential child caring centers and day treatment facilities. Rates shall be established on a prospective basis for the next calendar year.

SECTION 349. 46.037 (1) (d) of the statutes is created to read:

46.037 (1) (d) On or after January 1, 1981, the department shall calculate profit for residential child caring centers and day treatment facilities based on net equity.

SECTION 350. 46.037 (1) (g) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

46.037 (1) (g) The department shall make direct payments to private residential child care centers and day treatment facilities when there have been underpayments as determined by the department's final audit at the end of an institution's fiscal period if the department finds that the expenses incurred by the child caring institution were unavoidable. These direct payments shall be made from the collections made by the department from child caring institutions that incurred an excess of revenues over expenses. Beginning with 1981, the department shall make these payments on or before September 1. If the collections from these excess revenues are insufficient to cover the direct payments for the unavoidable expenses, the direct payments shall be prorated. When ~~If~~ the department's final audit determines that a facility has been overpaid, the department shall make collections. ~~For children in county custody or supervision, the department shall make payment under s. 20.435 (2) (bb).~~ The state share of collections for children in county custody shall be returned to the appropriation under s. 20.435 (2) (bb). The department shall return the federal share of collections to the appropriate federal agency.

SECTION 350c. 46.037 (1) (j) of the statutes is amended to read:

46.037 (1) (j) The department may make individual exceptions to pars. ~~(e)~~, (e) and (h) when ~~such~~ the exception is appropriate in order to achieve the goals and objective of quality child care.

SECTION 350e. 46.037 (1) (k) of the statutes is created to read:

46.037 (1) (k) The department shall promulgate rules regarding lease-purchase agreements between a child caring institution and organizations related to the child caring institution.

SECTION 350g. 46.037 (1) (L) of the statutes is created to read:

46.037 (1) (L) Beginning with calendar year 1980, the department may conduct mid-year rate reviews for the calendar year during the months of April through September and may adjust the existing rate if the department finds it to be too high or too low compared to actual costs. If a rate review is requested, the department shall make a decision concerning the rate within 30 days of the date the rate review is requested.

SECTION 350i. 46.037 (1) (m) of the statutes is created to read:

46.037 (1) (m) The department shall confer with an advisory committee consisting of representatives of the counties and child caring institutions concerning mid-year rate review requests and requests made at the end of the year for payments under par. (g). The members of the advisory committee shall be appointed by the secretary under the authority granted under s. 15.04 (1) (c).

SECTION 351. 46.043 of the statutes is repealed.

SECTION 352. 46.05 of the statutes is renumbered 46.058.

SECTION 353. 46.05 of the statutes is created to read:

46.05 Medium/maximum security prison; medium security prison. (1) The department shall construct or establish an adult medium/maximum security institution or an adult medium security institution or both ~~in the Menomonee river valley in the city of Milwaukee, or on the former Park West Freeway corridor between I-43 and North 27th street in the city of Milwaukee or on the site of Notre Dame of the Lake facility in the city of Mequon.~~

Vetoed
in Part

(2) Construction or establishment of the institutions shall be in compliance with all state laws except s. 32.035 and ch. 91.

(3) In addition to the exemptions under s. 13.48 (13), construction or establishment of the institutions shall not be subject to the ordinances or regulations relating to zoning, including zoning under ch. 91, of the county and municipality in which the construction or establishment takes place.

Vetoed
in Part

~~(4) A site under sub. (1) may not be excluded on the basis of size, if the site contains at least 20 acres.~~

SECTION 353g. 46.054 of the statutes is created to read:

46.054 Limit on offenders. (1) After the institution under s. 46.05 is ready for occupancy, the resident populations at the following institutions shall not exceed the following bed capacities:

- (a) The Waupun correctional institution shall not exceed an 810-bed capacity.
- (b) The Green Bay correctional institution shall not exceed a 587-bed capacity.
- (c) The Dodge correctional institution shall not exceed a 316-bed capacity.

(2) The bed capacities under sub. (1) may be exceeded if an emergency exists. After the emergency ceases to exist, the department shall again comply with this section. The department shall promulgate a rule defining "emergency" for application under this subsection.

SECTION 354. 46.10 (8) (d) of the statutes is amended to read:

46.10 (8) (d) After due regard to the case and to a ~~wife, husband spouse~~ and minor children who are lawfully dependent on the property for support, compromise or waive ~~the whole or any portion of any claim which of the state and or county may have for cost of care or maintenance for which the patient or the patient's relatives are liable, but not any claim payable by an insurer under s. 632.89 (2) or (2m) or by any other 3rd party.~~

SECTION 355. 46.10 (8m) (a) of the statutes, as affected by chapter 34, laws of 1979, is repealed and recreated to read:

46.10 (8m) (a) Deduct 100% of all money collected on or after January 1, 1975, from the chargeable cost of care at the mental health institutes, central state hospital and the centers for the developmentally disabled;

SECTION 356. 46.10 (14) of the statutes is repealed and recreated to read:

46.10 (14) Liability of the patient or relatives specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons under 18 years of age at community mental health centers, a county mental health center under s. 51.08, the centers for the developmentally disabled, Mendota mental health institute, Winnebago mental health institute and central state hospital or care and maintenance of persons under 18 years of age in residential, nonmedical facilities such as group homes and foster care, child care and juvenile correctional institutions is determined in accordance with the cost-based fee established under s. 46.03 (18). The department shall bill liable parties up to any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd party benefits, subject to rules governing ability to pay promulgated by the department under s. 46.03 (18). Any liability of the patient not payable by any other party terminates when the

patient reaches age 18, unless the patient or patient's relative has prevented payment by any act or omission.

SECTION 357. 46.106 (7) of the statutes is amended to read:

46.106 (7) LIMITATIONS ON ACTIONS. No relief from erroneous charges under sub. ~~(6)~~ (4) may be granted unless the county charged applies to the department for relief from ~~such~~ the charges within 10 years from the date the county receives the statement of charges from the department of administration, as specified in sub. (3). The department is bound by the same 10-year limitation in notifying the county to be charged.

SECTION 358. 46.22 (5) (a) 2 of the statutes is repealed and recreated to read:

46.22 (5) (a) 2. 'State institutions.' Mendota mental health institute, Winnebago mental health institute, university of Wisconsin hospital and clinics, center for the developmentally disabled, central state hospital and Ethan Allen school.

SECTION 359. 46.22 (5) (am) of the statutes is repealed and recreated to read:

46.22 (5) (am) Paragraph (a) does not authorize the county department of public welfare to make investigations regarding admission to or release from the Waupun correctional institution, the correctional institutions authorized under s. 46.05, the Green Bay correctional institution, the Dodge correctional institution, the Taycheedah correctional institution, county houses of correction, jails, detention homes or reforestation camps.

SECTION 360. 46.25 (5) of the statutes is repealed.

SECTION 361. 46.25 (6) of the statutes is amended to read:

46.25 (6) The department shall establish, pursuant to federal and state laws, rules and regulations, a uniform system of fees for services provided under this section to individuals not receiving aid under s. 49.19. In establishing this uniform system of fees, the department shall take into account the ability of the individuals to pay. All such fees paid and collected may be retained by the county providing such the service except for the fee specified in 42 U.S.C. USC 653 for federal parent locator services. The fees shall be charged only if reimbursement from the federal government is not available for the provision of these services.

SECTION 362. 46.25 (7) of the statutes is created to read:

46.25 (7) The department may represent the state or any individual in any action to establish paternity or to establish or enforce a child support obligation. The department shall delegate its authority to represent the state or any individual in any action to establish paternity or to establish or enforce a child support obligation under this section to the district attorney, or corporation counsel when authorized by county board resolution, pursuant to a contract entered into under s. 59.07 (97), except that if the district attorney, or corporation counsel when authorized by county board resolution, neglects or refuses to represent the obligee in a child support or paternity action, the department may undertake the representation.

SECTION 363. 46.80 (5) (a) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

46.80 (5) (a) The department shall administer a state supplement to ~~Title VII of the older Americans act, as amended~~ the federal congregate nutrition projects under 42 USC 3030e, in effect on the effective date of this act (1979), from the appropriation under s. 20.435 (2) (df) which will promote expansion of projects throughout the state. All counties receiving ~~Title VII moneys federal funds for congregate nutrition projects~~ on or after July 1, 1977 ~~shall, may~~ not receive an amount less than the 1976-77 allocation as a result of the program expansion.

SECTION 364. 46.85 (1) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

46.85 (1) The department may establish and operate a senior companion program modeled after the federal senior companion program under 42 USC 5011 (b), in effect on the effective date of this act (1979). If operated, the program shall engage the services of low-income persons aged 60 or over to provide supportive person-to-person assistance in health, education, recreation, welfare and related fields to persons aged 60 or over with special needs who reside in their own homes, and it may engage other persons aged 60 or older, regardless of income, as volunteers in similar activities. The department may also establish and operate a retired senior volunteers program modeled after the federal retired senior volunteers program under 42 USC 5001, in effect on the effective date of this act (1979) to provide voluntary services in a community. If operated, the program shall engage persons aged 60 or over as volunteers.

SECTION 367. 47.40 (3) (a) of the statutes is amended to read:

47.40 (3) (a) "Handicapped person" means any person who, by reason of a physical or mental disability, impairment or infirmity, whether congenital or acquired by accident, injury or disease, ~~or any nondisabled person who, by reason of economic, educational, experiential, sociocultural or other deficiency or inadequacy,~~ is or may be expected to be totally or partially incapacitated for remunerative occupation, or who may reasonably be expected to be fit to engage in a remunerative occupation after receiving vocational rehabilitation service.

SECTION 369. 48.36 (1) of the statutes is amended to read:

48.36 (1) If legal custody is ~~taken~~ transferred from the parent or guardian ~~and or the court otherwise designates an alternative placement for the child by a disposition made under s. 48.355 48.34 or 48.345,~~ the duty of the parent or guardian to provide support shall continue even though the legal custodian ~~or the placement designee~~ may provide the support. A copy of the order transferring custody ~~or designating alternative placement for the child~~ shall be submitted to the agency or person receiving such custody ~~or placement~~ and ~~such the~~ agency or person may apply to the court for an order to compel the parent or guardian to provide the support. Support payments for residential services, when purchased or otherwise funded or provided by the department, a county department of public welfare or a board under s. 46.23, 51.42 or 51.437, shall be subject to the payment provisions under ss. 46.03 (18) and 46.10 (14). However, if at the time the child is placed into such residential services a court order for support already exists under ch. 52 or 767 the amount of parental payment to be applied to residential services shall not be less than the amount specified in that court order.

SECTION 370. 48.48 (4m) (b) of the statutes is amended to read:

48.48 (4m) (b) Was when he or she reached age 18 in legal custody of the department ~~or a county agency established under ss. 48.56 and 48.57;~~

SECTION 371. 48.57 (3) of the statutes is created to read:

48.57 (3) (a) From the reimbursement received under s. 49.52 (1) (d), counties may provide funding for the maintenance of any child who:

1. Is 18 years of age or older;
2. Is enrolled in and regularly attending a secondary education classroom program leading to a high school diploma;
3. Received funding under s. 49.52 (1) (d) immediately prior to his or her 18th birthday; and
4. Is living in a foster home, group home or child caring institution.

(b) The funding provided for the maintenance of a child under par. (a) shall be in an amount equal to that to which the child would receive under s. 49.52 (1) (d) if the child were 17 years of age.

SECTION 371c. 48.627 of the statutes is created to read:

48.627 Liability insurance for foster parents. The department shall, from the appropriation under s. 20.435 (2) (de), purchase insurance for foster parents to cover the liability of the foster parents, to the extent not provided in the foster parent's homeowner's insurance policy, for injuries sustained or property damage caused by foster children in the foster parent's care, subject to the limitations contained in the policy.

~~SECTION 371g. 49.02 (8) of the statutes is created to read:~~

~~49.02 (8) The agency administering relief shall have written statements of general relief policies, procedures and guidelines regarding applications, eligibility and the amount of assistance provided. The agency shall update these statements if changes in the administration of general relief occur. Agencies shall report to the department such statistical data regarding general relief operations as the department requires.~~

Vetoed
in Part

~~SECTION 371r. 49.035 of the statutes is created to read:~~

~~**49.035 Procedural Rights.** (1) Any individual may apply for general relief. The agency shall notify every applicant in writing of the disposition of the application within 15 working days of application, but in emergency situations aid shall be provided to meet the emergency.~~

~~(2) The agency administering general relief shall inform each applicant for general relief of other public assistance programs administered by the county, state and federal agencies, including temporary and interim assistance, aid to families with dependent children, emergency assistance, medical assistance, food stamps and supplemental security income.~~

~~(3) The agency administering general relief shall, within 3 working days after denying an application for general relief, send to each person whose application is denied a written notice containing the reasons for the denial, the evidence and policy relied upon in making the disposition and the method by which the applicant may petition the agency for a review of the denial.~~

~~(4) Any person whose application for general relief is not acted upon within the time period required under sub. (1) or is denied in whole or in part, or whose relief is terminated or reduced, may petition the agency for a review of the action. The agency shall, upon receipt of the petition, hold a hearing at a date and place convenient to the petitioner. Unless the petitioner requests a deferral of the hearing, the agency shall hold the hearing before an impartial decision maker within 5 working days of receipt of the petition.~~

~~(5) At all hearings conducted under this section, the petitioner or a representative may:~~

~~(a) Examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing;~~

~~(b) At the petitioner's option, present the case personally or with the aid of others including legal counsel;~~

~~(c) Bring witnesses;~~

~~(d) Establish all pertinent facts and circumstances; and~~

~~(e) Question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.~~

Vetoed
in Part

~~(6) The petitioner shall be notified in writing of the hearing decision, of the evidence and policies relied upon in reaching the decision and of the right to judicial review. The decision shall be based exclusively on evidence and other material introduced at the hearing. Appeal of the decision shall be to the circuit court.~~

~~(7) If the agency administering general relief decides to terminate or reduce a recipient's relief in a continuing aid case, that decision shall become effective 10 working days after written notice of the decision is mailed to the recipient affected by the action. The~~

Vetoed
in Part

~~written decision shall contain the reasons for the decision, the evidence and policy relied upon in making the decision and the method by which the recipient may petition the agency to review the decision.~~

~~(8) The agency administering general relief shall provide each applicant, upon submission of a completed application form, a copy of a summary of the rights set forth in this section.~~

~~(9) The agency shall prepare and make available written material required to be provided under this section.~~

SECTION 372. 49.046 (1) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

49.046 (1) From the appropriation made in s. 20.435 (1) (o) and (4) (e) the department shall grant relief to needy Indian persons not eligible for aid under s. 49.177, 49.19, 49.46 or 49.47 and residing on tax-free lands or in Menominee county, except that a person who fails to comply with the requirements of s. 49.047 may be denied aid under this section. The department shall appoint the elected tribal governing body administering federal assistance on such the lands or the Menominee county department of social services to administer relief under this section. If there is no elected tribal governing body administering federal assistance on such the lands, or if the local elected tribal governing body so chooses or if the elected tribal governing body fails or refuses to administer the program in accordance with rules adopted under this section, the department may appoint the welfare agency or an appropriate Indian organization in the county or municipality wherein such in which the needy Indian persons reside or a county department of public welfare or social services to administer relief under this section. Before appointing another agency because the tribal governing body fails or refuses to administer the program in accordance with departmental rules, the department shall notify the body of the rules the body has violated. The department shall give the tribal governing body a reasonable opportunity to correct the violations and shall assist the body in correcting the violations. If the violations are not corrected, the department may appoint another agency to administer the program after notifying the tribal governing body of the appointment and providing the body with a hearing before the department secretary. Any agency so appointed shall make such all reports as are required under this section. Reimbursement for the costs of administering relief under this section shall be made from the appropriation under s. 20.435 (4) (de). The department shall establish rules governing allowable costs of administration. The department may enter into suitable agreements with any appropriate agency of the federal government for provision of relief to needy Indian persons. Administration of relief under this section by any elected tribal governing body or other Indian organization does not confer jurisdiction over any tribe or Indian organization upon this state.

SECTION 373. 49.046 (2) of the statutes is amended to read:

49.046 (2) The department shall supervise the administration of programs for the relief of needy Indian persons. The department, after consulting with all elected tribal governing bodies, shall adopt rules establishing eligibility requirements and the uniform administration of such the eligibility requirements and the amounts of aid under this section. Grants to a person under this section shall be equal to what would be granted under ss. 49.19 (11) (a), 49.45 and 49.46 if such the person were eligible for grants under s. 49.19.

SECTION 374. 49.046 (3) of the statutes is amended to read:

49.046 (3) Any person whose application for aid under this section is not acted upon with reasonable promptness after the filing of the application, or is denied in whole or in part, or whose award is modified or canceled, or who believes the award to be insufficient, ~~shall enjoy the same rights of~~ may petition the department for a fair hearing and review of such actions as are set forth in in the manner provided under s. 49.50 (8) ~~for the benefit~~

~~of applicants and recipients of other forms of public assistance. The procedures to be followed shall be as described in s. 49.50 (8) apply to the fair hearing and review under this subsection, except that, where that section provides the rights and duties of counties and county officers charged with administering that administer public assistance, apply to any elected tribal governing bodies and elected tribal governing body officers charged with administering that administer programs for relief of needy Indian persons shall have such rights and duties where tribal councils have been appointed to administer relief under this section. In all proceedings for judicial review arising from the administration of relief under this section, the department shall be is the respondent. If any elected tribal governing body or tribal officer fails to comply with a departmental decision issued under s. 49.50 (8) (b), the department may execute the order.~~

SECTION 375. 49.10 (12) (f) 1 of the statutes is repealed and recreated to read:

49.10 (12) (f) 1. 'Public.' Waupun correctional institution; the correctional institutions authorized under s. 46.05; Fox Lake correctional institution; Green Bay correctional institution; Dodge correctional institution; Taycheedah correctional institution; Oakhill correctional institution; Lincoln Hills school; Ethan Allen school; county jails or houses of correction; centers for the developmentally disabled; Mendota and Winnebago mental health institutes; central state hospital; Wisconsin school for the visually handicapped; Wisconsin school for the deaf; federal, state, county or municipal hospitals, asylums, infirmaries, tuberculosis sanatoriums or homes for the aged; veterans' hospitals, domiciliaries and homes.

SECTION 375m. 49.11 (8) of the statutes is created to read:

49.11 (8) MUNICIPAL RELIEF DIRECTORS. If a municipality has a full-time relief director, the relief director may perform the functions of the municipal clerk under this section. If the relief director performs the functions of the municipal clerk, the municipal clerk shall forward filings or mailings received under this section to the relief director. If the relief director does not perform the functions of the municipal clerk under this section, but does receive filings or mailings, the relief director shall forward the filings or mailings to the municipal clerk.

SECTION 376. 49.13 (title) of the statutes is amended to read:

49.13 (title) Verification of public assistance applications.

SECTION 376b. 49.13 of the statutes is renumbered 49.13 (1) and amended to read:

49.13 (1) Any person who applies for ~~either general relief or any other public assistance aid shall be required to~~ execute the application or self-declaration ~~if the latter is utilized~~ in the presence of the welfare worker or other person processing the application. This subsection does not apply to any superintendent of a mental health institute, director of a center for the developmentally disabled, superintendent of a state treatment facility or superintendent of a state correctional facility who applies for public assistance on behalf of a patient.

SECTION 376m. 49.13 (2) of the statutes is created to read:

49.13 (2) At the time of application, the agency administering the public assistance program shall provide the applicant with a form authorizing waiver of fees under s. 69.24 for copies of birth certificates if the applicant is required to provide a birth certificate or social security number as part of the application. The waiver applies to all persons in the applicant's household required to provide birth certificates or social security numbers. The agency shall provide written information to the applicant explaining the use of the waiver form.

SECTION 376r. 49.19 (1) (a) of the statutes is amended to read:

49.19 (1) (a) In this section, "dependent child" means a child under the age of 18, who has:

1. Has been deprived of parental support or care by reason of the death, continued absence from the home, ~~unemployment~~ or incapacity of a parent, ~~or the unemployment of his father, and who is;~~ and

2. a. Is living with his or her father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousins, nephews or nieces in a residence maintained by one or more ~~such of these~~ relatives as ~~his the child's~~ or their own home, or living in a residence maintained by one or more of ~~such these~~ relatives as ~~his the child's~~ or their own home because the parents of ~~said the~~ child have been found unfit to have its care and custody, ~~or who is of the child;~~ or

b. Is living in a foster home ~~having a license~~ licensed under s. 48.62, ~~when if~~ a license is required under ~~such that~~ section, or a child-caring institution licensed under s. 48.60 and ~~has been placed in such the~~ foster home or institution by a county agency ~~pursuant to under ch. 48 or by the department.~~

SECTION 377. 49.19 (4) (dm) of the statutes is amended to read:

49.19 (4) (dm) Aid may be paid to parents of a dependent child if the parents are unable to supply the needs of the child because of the unemployment of ~~the father a parent~~ who meets the federal requirements as to past employment and current unemployment. Aid to dependent children of unemployed parents may be granted only so long as if federal aid for this purpose is available to the state. No aid ~~shall~~ may be granted ~~when the father; refuses if the unemployed parent:~~

1. Refuses to register for the work incentive program under s. 49.50 (7), unless the parent is exempt under federal regulations;

2. Refuses to register with the ~~state employment service or department of industry, labor and human relations,~~ if the parent is exempt from registering for the work incentive program because of remoteness from a work incentive project;

3. Refuses to maintain a current registration with ~~such service;~~ or qualifies the work incentive program or job service division, if required to do so under subd. 1 or 2;

4. Qualifies for unemployment compensation but refuses to apply for or accept ~~such~~ unemployment compensation. ~~No aid shall be granted to the father when the father refuses to participate in a training program; or refuses suitable employment; or~~

5. Fails to meet any applicable federal or state work, work registration or training requirement. The department shall, by rule, list the applicable requirements under this subdivision.

SECTION 379. 49.43 (1m) of the statutes is created to read:

49.43 (1m) "Cost" means the reasonable cost of services, care or commodities as determined by the principles of reimbursement used under 42 USC 1395 to 1395rr, in effect on the effective date of this act (1979).

SECTION 379m. 49.45 (2) (a) 16 of the statutes is created to read:

49.45 (2) (a) 16. Notify the joint committee on finance and appropriate standing committees in each house of the legislature prior to renewing, extending or amending the claims processing contract under the medical assistance program.

SECTION 380. 49.45 (3) (e) of the statutes is repealed and recreated to read:

49.45 (3) (e) 1. The department may prospectively determine reimbursement to hospitals for allowable services, care or commodities provided a recipient or may determine reimbursement pursuant to a contract under s. 146.60.

2. In establishing a hospital's reimbursement rate under subd. 1, the department may only consider the budgeted fiscal year costs of the hospital which are allowable under 42 USC ss. 1395 to 1395rr, in effect on the effective date of this act (1979).

3. A hospital whose reimbursement is determined on the basis of prospective rates established under subd. 1 shall annually prepare and submit to the department a cost report reflecting the hospital's actual allowable costs during the hospital's fiscal year.

4. Total reimbursement for an entire hospital for allowable services, care or commodities provided recipients during the hospital's fiscal year is the lower of the hospital's charges for the services or the actual allowable costs to the hospital of providing the services.

5. If total reimbursement paid to a hospital for services rendered during its fiscal year is greater than the lower of the hospital's charges or actual allowable costs, the hospital shall promptly repay the difference to the department.

6. If total reimbursement paid to a hospital for services rendered during the hospital's fiscal year is less than the lower of the hospital's charges or actual allowable costs, the department shall promptly pay the hospital the difference.

SECTION 381m. 49.45 (3) (i) of the statutes is created to read:

49.45 (3) (i) The department may not reimburse a provider for certain elective surgical procedures without a 2nd opinion from another provider. Second opinions are required for selected elective surgical procedures for which 2nd opinions disagree with the original opinions at demonstrably high rates. The department shall notify the providers of the surgical procedures for which a 2nd opinion is required. The requirement for 2nd opinions under this paragraph ends on June 30, 1982. On or before January 1, 1982, the department shall report to the joint committee on finance and the the appropriate standing committees in each house of the legislature on the effect of the 2nd opinion program.

SECTION 382. 49.45 (6m) (f) of the statutes is repealed.

SECTION 383. 49.45 (6m) (g) of the statutes is amended to read:

49.45 (6m) (g) Reimbursement under this section to skilled nursing facilities subject to this paragraph ~~shall may~~ not include the cost of care reimbursable under Title XVIII of the social security act for persons eligible for Title XVIII benefits. Title XIX recipients ~~shall are~~ not be liable to incur such for these costs. ~~All skilled nursing facilities with 100 beds or more shall be certified, in whole or in part, for Title XVIII.~~ The department may, by rule, require Title XVIII certification, in whole or in part, of skilled nursing facilities having fewer than 100 beds. ~~The effective date of this section shall be the date of the first issuance or renewal of the facility's certification under Title XIX of the social security act, occurring after July 1, 1977.~~

SECTION 384. 49.45 (6m) (gm) of the statutes is repealed.

SECTION 385. 49.45 (7) of the statutes is renumbered 49.45 (11).

SECTION 386. 49.45 (8) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

49.45 (8) REIMBURSEMENT BASED ON REASONABLE ACTUAL COSTS. Reimbursement under s. 20.435 (1) (b) and (o) for services of home health agencies certified as required under ~~Title XIX~~ 42 USC 1396 to 1396k, in effect on the effective date of this act (1979), shall be based upon reasonable actual costs as determined by the department. Personal care services performed by a home health agency may be reimbursed under a separate rate as determined by the department.

SECTION 387. 49.45 (12) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 49.45 (7).

SECTION 388. 49.45 (12) (title) of the statutes is created to read:

49.45 (12) (title) VERIFICATION OF CLAIMS.

SECTION 389. 49.45 (13) of the statutes is renumbered 49.45 (13) (a) and amended to read:

49.45 (13) (a) The department may require service providers to prepare and submit cost reports or financial reports of providers of service for purposes of rate certification under Title XIX, cost verification, fee schedule determination or research and study purposes. These financial reports may include independently audited financial statements which shall include balance sheets and statements of revenues and expenses. The department may withhold reimbursement or may decrease or not increase reimbursement rates if a provider does not submit the reports required under this paragraph or if the costs on which the reimbursement rates are based cannot be verified from the provider's cost or financial reports or records from which the reports are derived.

SECTION 389d. 49.45 (13) (b) of the statutes is created to read:

49.45 (13) (b) The department may require any provider who fails to submit a cost report or financial report under par. (a) within the period specified by the department to forfeit not less than \$10 nor more than \$100 for each day the provider fails to submit the report.

SECTION 389m. 49.45 (16) of the statutes is created to read:

49.45 (16) CERTIFICATION. Until January 1, 1984, the department may continue to certify as a medical assistance provider for the same number of beds any community-based residential facility which does not serve persons who are developmentally disabled or who have a primary diagnosis of chronic mental illness if the facility is licensed under s. 50.03 and is certified as a medical assistance provider on the effective date of this act (1979). After January 1, 1984, the department may continue to certify the facility as a medical assistance provider only if the facility is licensed as a nursing home under s. 50.03. The department may not certify as a medical assistance provider any community-based residential facility which is not certified as a medical assistance provider on the effective date of this act (1979) and which does not serve persons who are developmentally disabled or who have a primary diagnosis of chronic mental illness, unless the facility is licensed as a nursing home under s. 50.03.

Partial
Veto
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SECTION 391. 49.46 (2) (a) 9 of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

49.46 (2) (a) 9. After January July 1, 1980, personal care services when prescribed in accordance with federal regulation, and when offered by a certified home health agency or an approved social services agency which provides a comprehensive range of services including, but not limited to, homemakers, chore services and transportation.

SECTION 392. 49.46 (2) (d) of the statutes is created to read:

49.46 (2) (d) Benefits authorized under this subsection may not include payment for that part of any service payable through 3rd party liability or any federal, state, county, municipal or private benefit system to which the beneficiary is entitled. "Benefit system" does not include any public assistance program such as, but not limited to, Hill-Burton benefits under 42 USC 291c (e), in effect on the effective date of this act (1979), or general relief.

SECTION 392m. 49.50 (7) (d) 1 of the statutes is amended to read:

49.50 (7) (d) 1. ~~When~~ If full-time employment paying a wage or salary equal to or greater than the federal minimum wage level is available to an unemployed AFDC-U ~~father~~ parent registered in the WIN program, ~~he~~ the parent may be required to accept ~~such~~ the employment as a condition of continued participation in the program if ~~he~~ he or she has been unemployed for 15 weeks or longer, if ~~he~~ he or she has been a certified WIN registrant for 6 weeks or longer, and if the job ~~he~~ he or she held for the longest period of time in the 12 months prior to ~~his~~ his registration in the WIN program paid a wage or salary which, when reduced by 18% of the gross wage or by taxes and other actual work-related expenses, was less than or equal to ~~his~~ the family's current AFDC-U grant. AFDC-U recipients accepting employment under this paragraph shall remain enrolled in the

AFDC-U program and shall receive a supplement from the appropriation under s. 20.435 (4) (d) in an amount designed to equal the level of payments the family would receive if the father parent were not earning wages. This paragraph ~~shall be~~ is effective until July 1, ~~1981~~ 1983.

SECTION 392p. 49.52 (1) (d) 2. (intro.) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

49.52 (1) (d) 2. (intro.) Beginning January 1, 1980, and ending December 31, 1980, each county department shall receive an amount equal to its 1979 grant-in-aid allocation, including the amount of state aid generated by a portion of county tax levy or federal revenue sharing funds under that contract. For the purposes of determining the 1980 grant-in-aid allocation, the 1979 grant-in-aid allocation or contract level does not include the amounts for uniform foster care rates, the phasedown of direct services, day care funds, emergency funds ~~or~~ amounts for the educational component of day treatment or *reimbursement received for the county's excess expenditures for the care of children in child caring institutions in excess of revenues received for the care of children in child caring institutions*. In addition, each county department shall receive:

Partial
Veto
Overruled

SECTION 393. 49.52 (1) (d) 2. b of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

49.52 (1) (d) 2. b. Amounts the department designates for ~~uniform foster care rates, the phasedown of direct services,~~ day care funds and emergency funds.

SECTION 394. 49.52 (1) (d) 2. c of the statutes, as affected by chapter 34, laws of 1979, is renumbered 49.52 (1) (d) 2. e.

SECTION 395. 49.52 (1) (d) 2. c and d of the statutes are created to read:

49.52 (1) (d) 2. c. An amount equal to the 1979 level of funds allocated for uniform foster care rates, but not to exceed \$4,278,200.

d. An amount the department designates to compensate county departments for case load increases resulting from the direct services phasedown, but not to exceed \$2,100,000.

SECTION 395m. 49.52 (1) (d) 3. (intro.) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

49.52 (1) (d) 3. (intro.) Beginning January 1, 1981, and ending June 30, 1981, each county department shall receive 50% of its 1979 contract level including the amount of state aid which was generated by a portion of county tax levy or federal revenue sharing funds under that contract. For the purposes of determining the grant-in-aid allocation for the period beginning January 1, 1981, and ending June 30, 1981, the 1979 grant-in-aid allocation or contract level does not include the amounts for uniform foster care rates, the phasedown of direct services, day care funds, emergency funds ~~or~~ amounts for the educational component of day treatment or the reimbursement received for the county's excess expenditures for the care of children in child caring institutions in excess of revenues received for the care of children in child caring institutions. In addition, each county department shall receive:

Partial
Veto
Overruled

SECTION 396. 49.52 (1) (d) 3. b of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

49.52 (1) (d) 3. b. Amounts the department designates for ~~uniform foster rates, phasedown of direct services,~~ day care funds and emergency funds.

SECTION 397. 49.52 (1) (d) 3. c of the statutes, as affected by chapter 34, laws of 1979, is renumbered 49.52 (1) (d) 3. e.

SECTION 398. 49.52 (1) (d) 3. c and d of the statutes are created to read:

49.52 (1) (d) 3. c. An amount equal to one-half the 1979 level of funds allocated for uniform foster care rates, but not to exceed \$2,139,100.

d. An amount the department designates to compensate county departments for case load increases resulting from the direct services phasedown, but not to exceed \$1,050,000.

SECTION 398a. 49.52 (1) (de) of the statutes is created to read:

Partial
Veto
Overruled

49.52 (1) (de) *The department may allocate up to \$1,500,000 in calendar year 1980, if such funds are released by the joint committee on finance, to counties that incurred expenditures in calendar year 1979 for care for children in child caring institutions in excess of revenues for this care.*

SECTION 399. 49.52 (1) (e) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

Partial
Veto
Overruled

49.52 (1) (e) The department shall distribute funds appropriated and authorized for expenditure by the joint committee on finance under s. 20.435 (2) (bb) and the department's allocation for county social services under sub. (2) (o), remaining after the application of the formula under par. (d) 2 and 3 and remaining after the distribution of funds for reimbursement under par. (de) for excess expenditures for the care of children in child caring institutions incurred by counties in calendar year 1979. The amounts so distributed may not exceed \$10,838,200 \$4,460,000 per calendar year, of which \$2,100,000 shall be designated for phasedown of direct services, \$4,278,200 for uniform foster care rates and the remainder shall be designated for day care and emergency funds.

SECTION 400. 49.65 (1) of the statutes is amended to read:

49.65 (1) SUBROGATION. The department, county or municipality providing any public assistance ~~authorized~~ under this chapter, ~~including medical assistance~~, as a result of ~~the occurrence of an injury, sickness or death which results in a possible recovery or indemnity from an act that creates a claim or cause of action on the part of the public assistance recipient against a 3rd party, including an insurer, is subrogated to the rights of the recipient or the beneficiary and may make a claim or maintain an action in tort against the 3rd party.~~

SECTION 404. 50.03 (10) of the statutes is amended to read:

50.03 (10) UNIFORM ACCOUNTING SYSTEM. The department shall establish a uniform classification of accounts and accounting procedures for each level of licensure which shall be based on generally accepted accounting principles and which reflect the allocation of revenues and expenses by primary functions, to be used by the department in carrying out this subsection and s. 49.45. Each facility subject to this subsection or s. 49.45 shall satisfactorily establish with the department by a date set by the department that it has instituted the uniform accounting system as required in this subsection or is making suitable progress in the establishment of each system.

SECTION 404m. 50.09 (1) (f) 3 of the statutes is amended to read:

50.09 (1) (f) 3. Confidentiality of health and personal records, and the right to approve or refuse their release to any individual outside the facility, except in the case of the resident's transfer to another facility or as required by law ~~or third-party 3rd-party~~ payment contracts and except as provided in ss. 146.81 to 146.83.

SECTION 405. 50.39 (3) of the statutes, as affected by chapter 89, laws of 1979, is amended to read:

50.39 (3) Facilities now governed by ss. 45.365, 48.62, 49.14, 49.171, 50.02, 51.08, 51.09, 58.06, 149.01, 149.02, and 149.06, correctional institutions governed by the department under s. 46.03 (1) and the offices and clinics of persons licensed to treat the sick under chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Nothing in ss. 50.32 to 50.39 shall abridge the rights of the medical examining board, dentistry examining board, pharmacy examining board, chiropractic examining board and board of nursing in carrying out their statutory duties and responsibilities.

SECTION 407. 51.37 (title) of the statutes is repealed and recreated to read:

51.37 (title) Criminal commitments; central state hospital or mental health institutes.

SECTION 408. 51.37 (2) of the statutes is repealed and recreated to read:

51.37 (2) The state hospital at Waupun is known as the "central state hospital", and except as provided in s. 53.05 may be used for the custody, care and treatment of adult male persons committed or transferred thereto under this section and chs. 971 and 975. If the director is not a psychiatrist, all psychiatric reports, testimony or recommendations regarding the mental condition of a patient or prisoner shall be made by a staff psychiatrist of the hospital or the department.

SECTION 409. 51.37 (5) (a) of the statutes is repealed and recreated to read:

51.37 (5) (a) When a licensed physician or licensed psychologist of a state prison, of a county jail or of the department reports in writing to the officer in charge of a jail or institution that any prisoner is, in his or her opinion, mentally ill, drug dependent, or developmentally disabled and is dangerous as defined in s. 51.20 (1), or is an alcoholic and is dangerous as provided in s. 51.45 (13) (a) 1 and 2; or that the prisoner is mentally ill, drug dependent, developmentally disabled or is an alcoholic and is in need of psychiatric or psychological treatment, and that the prisoner voluntarily consents to a transfer for treatment, the officer shall make a written report to the department which may transfer the prisoner if a voluntary application is made, and if not file a petition for involuntary commitment under s. 51.20 (1) or 51.45 (13). Any time spent by a prisoner in an institution designated under sub. (2) or (3) shall be included as part of the individual's sentence.

SECTION 410. 51.37 (8) (b) of the statutes is repealed and recreated to read:

51.37 (8) (b) If the prisoner's condition will require psychiatric or psychological treatment after his or her sentence expires, the director shall, within a reasonable time before the prisoner's sentence expires, make a written application to the court which committed the prisoner under sub. (5) (a). Thereupon, the proceeding shall be upon application made under s. 51.20, but no physician or psychologist who is connected with a state prison, Winnebago or Mendota mental health institute, central state hospital or any county jail may be appointed as an examiner. If the court does not commit the prisoner, it may dismiss the application and order the prisoner returned to the institution from which he or she was transferred until expiration of the prisoner's sentence. If the court commits the prisoner for the period commencing upon expiration of his or her sentence, such commitment shall be to the care and custody of the board established under s. 51.42 or 51.437. Any retransfer by the board to central state hospital is subject to s. 51.35 (1) (a).

SECTION 411. 51.37 (9) of the statutes is repealed and recreated to read:

51.37 (9) If in the judgment of the director of central state hospital, Mendota mental health institute, Winnebago mental health institute or the Milwaukee county mental health center, any person who is committed under s. 971.14 or 971.17 is not in such condition as warrants his or her return to the court but is in a condition to receive a conditional transfer or discharge under supervision, the director shall report to the department, the committing court and the district attorney of the county in which the court is located his or her reasons for such judgment. If the court does not file objection to the conditional transfer or discharge within 60 days of the date of the report, the director may, with the approval of the department, conditionally transfer any person to a legal guardian or other person, subject to the rules of the department.

SECTION 412. 51.42 (8) (d) 1 of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

51.42 (8) (d) 1. The department shall distribute the funds appropriated under s. 20.435 (2) (b) and the department's allocation for mental health services under s. 20.435 (2) (c) for services provided or purchased by the boards created under this section or

under s. 51.437 that remain after the application of the formula under par. (b). In calendar year 1980, the amount so distributed may not exceed ~~\$9,933,400~~ \$9,809,200, of which \$4,191,900 shall be designated for capacity building of community support programs for the developmentally disabled and \$3,297,700 for capacity building of community support programs for the chronically mentally ill. The remainder shall be designated for services provided under ss. 343.30 (lq) and 343.305 (9) (a), innovative projects, emergency funds and expiring federal grant pick-up. Of this remainder, the department shall allocate \$326,800 in calendar year 1980 for respite care projects. In calendar year 1981, the amount so distributed may not exceed ~~\$13,231,000~~ \$13,047,700, of which \$6,011,300 shall be designated for capacity building of community support programs for the developmentally disabled and \$4,728,900 for capacity building of community support programs for the chronically mentally ill. The remainder shall be designated for services provided under ss. 343.30 (lq) and 343.305 (9) (a), innovative projects, emergency funds and federal grant pick-up. Of this remainder, the department shall allocate \$163,400 for the period from January 1, 1981, to June 30, 1981, for respite care projects. The capacity building funds for the developmentally disabled and the chronically mentally ill may not be allocated to any mental hygiene or developmental disabilities board unless the board maintains its calendar year 1979 levels of federal, state and county funding of programs for the developmentally disabled or the chronically mentally ill, except to the extent that federal funding available in calendar year 1980 and calendar year 1981 decreases. The department shall allocate funds for respite care projects by giving priority to the expansion of existing respite care projects and to the achievement of a geographical balance in the availability of respite care services. Funds distributed for expiring federal grant pick-up shall be for funding up to 50% of the expiring federal grants. \$700,100 of the funds distributed for expiring federal grant pick-up shall be used to fund up to 50% of the cost of federal alcohol or other drug abuse and mental health center staffing grants that expire or substantially decline between December 31, 1979, and June 30, 1981. During fiscal years 1979-80 and 1980-81, \$983,900 shall be distributed to cover costs incurred for pick-up of up to 50% of the costs of federal alcohol or drug abuse or mental health center staffing grants that expire or substantially decline between January 1, 1978, and December 31, 1979.

SECTION 413. 51.42 (9) (b) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

51.42 (9) (b) If a state hospital has provided a board established under this section with service, the department shall regularly bill the board. If collections for such care exceed current billings, the difference shall be remitted to the board through the appropriation under s. 20.435 (2) ~~(d) or (gm)~~, as appropriate (kk). For care provided on and after February 1, 1979, the department shall adjust collections from medical assistance to compensate for differences between specific rate scales for care charged to the board and the average daily medical assistance reimbursement rate. Payment shall be due from the board within 60 days of the billing date subject to provisions of the contract. If any payment has not been received within 60 days, the department shall deduct all or part of the amount from any payment due from the department to the board.

SECTION 414. 51.42 (10) (f) of the statutes is amended to read:

51.42 (10) (f) Report to the governor and the joint committee on finance on estimated 3rd-party collections prior to the start of each calendar year, during the calendar year if earlier estimates appear inaccurate and after the close of the calendar year when actual 3rd-party collections have been determined.

SECTION 415. 51.437 (12) (c) of the statutes is amended to read:

51.437 (12) (c) If a center for the developmentally disabled has provided a board established under this section with service, the department shall regularly bill the board. If collections for such care exceed current billings, the difference shall be remitted to the

board through the appropriation under s. 20.435 (2) ~~(d) or (gm)~~, as appropriate (kk). Under this section, collections on or after January 1, 1976, from medical assistance shall be the approved amounts listed by the patient on remittance advices from the ~~Title XIX~~ medical assistance carrier, not including adjustments due to retroactive rate approval and less any refunds to the medical assistance program. For care provided on and after January 1, 1978, the department shall adjust collections from medical assistance to compensate for differences between specific rate scales for care charged to the board and the average daily medical assistance reimbursement rate. Payment shall be due from the board within 60 days of the billing date subject to provisions of the contract. If any payment has not been received within 60 days, the department shall deduct all or part of the amount due from any payment due from the department to the board.

SECTION 416. 51.437 (14) (f) of the statutes is amended to read:

51.437 (14) (f) Report to the governor and the joint committee on finance on ~~estimated~~ 3rd-party collections prior to the start of each calendar year, during the calendar year if earlier estimates appear inaccurate and after the close of the calendar year when actual 3rd-party collections have been determined.

SECTION 417. 51.45 (6) of the statutes is repealed.

SECTION 420. 52.01 (9) of the statutes is created to read:

52.01 (9) In any action under this section the court may impose any sum ordered paid by a party as a charge upon any specific real estate of the party liable or may require sufficient security to be given for payment according to the judgment or order.

SECTION 421. 52.10 (2) (a) of the statutes, as affected by chapter 32, laws of 1979, is amended to read:

52.10 (2) (a) "Court" means the court assigned to exercise jurisdiction under ch. 767 or, if there is none, the court having jurisdiction under s. 52.05 to enforce support and, when the context requires, means the court or agency of any other state as defined in a substantially similar reciprocal law.

SECTION 421m. 52.10 (2) (am) of the statutes is created to read:

52.10 (2) (am) "District attorney", as used in this section, means either the district attorney or, when authorized by county board resolution to conduct the duties of the district attorney under this section, the corporation counsel.

SECTION 422. 52.10 (2) (m) of the statutes is amended to read:

52.10 (2) (m) "State" includes a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any foreign jurisdiction in which this or a substantially similar reciprocal law is in effect or which has established enforcement procedures with or without court participation under a treaty, the application of which extends to this state.

SECTION 425. 52.37 (3) of the statutes is amended to read:

52.37 (3) All of the foregoing matters shall be ascertained and fixed by the court and, together with such attorney fees as have been allowed, shall be inserted in the judgment, ~~with an order directed to, The judge shall order~~ the clerk of the court to file with the state registrar a certified copy of all judgments determining the paternity of the child, and a report showing the name, date and place of birth of the child and the name, ~~color, residence, age, birthplace and occupation~~ date and place of birth of the father of the child on a form designated by the state registrar. The registrar shall ~~thereupon~~ issue a new certificate or correct the old certificate in accordance with the judgment of the court. Such new or corrected certificate shall be issued substantially in accordance with ss. 69.24 (1) (e) and 69.33 and the clerk of the court shall collect a fee of \$4 which shall be transmitted to the state registrar. Judgments entered upon agreement of the parties shall conform to the

above unless the parties are unable to agree as to the paternity of the child, when such adjudication may be omitted.

SECTION 426. 53.01 of the statutes is repealed and recreated to read:

53.01 Names of prisons. The penitentiary at Waupun is named "Waupun Correctional Institution". The correctional treatment center at Waupun is named "Dodge Correctional Institution". The penitentiary at Green Bay is named "Green Bay Correctional Institution". The medium security penitentiary near Fox Lake is named "Fox Lake Correctional Institution". The penitentiary at Taycheedah is named "Taycheedah Correctional Institution". The medium security penitentiary at Plymouth is named "Kettle Moraine Correctional Institution". The minimum security penitentiary at Oregon is named "Oakhill Correctional Institution". The institutions named in this section, the Wisconsin correctional camp system, the correctional institutions authorized under s. 46.05, and community correctional residential centers when established under s. 46.045, are state prisons.

SECTION 427. 53.02 (3m) of the statutes is created to read:

53.02 (3m) CORRECTIONAL INSTITUTION UNDER SECTION 46.05. For all purposes of discipline and for judicial proceedings, the correctional institutions authorized under s. 46.05 and the precincts thereof shall be deemed to be in a county in which the institution is physically located, and the courts of that county shall have jurisdiction of all crimes committed within the county. Every activity conducted under the jurisdiction of and by the institution, wherever located, is a precinct of the institution; and each precinct is part of the institution.

SECTION 428. 53.02 (4b) of the statutes is created to read:

53.02 (4b) WISCONSIN SUBSTANCE ABUSE PROGRAM. For all purposes of discipline and for judicial proceedings, the correctional treatment facilities for the treatment of substance abuse of inmates transferred from state prisons and the precincts thereof shall be deemed, as to each resident, to be in the county in which the facility to which the resident is assigned is located, and the courts of that county shall have jurisdiction of all crimes committed within the same. Every activity conducted under the jurisdiction of and by a correctional treatment facility wherever located is, as to each resident, a precinct of the facility; and each precinct is a part of the facility.

SECTION 429. 53.02 (4d) of the statutes is repealed and recreated to read:

53.02 (4d) DODGE CORRECTIONAL INSTITUTION. For all purposes of discipline and for judicial proceedings, the Dodge correctional institution and the precincts thereof shall be deemed to be in Dodge county, and the courts of that county shall have jurisdiction of all crimes committed within that county. Every activity conducted under the jurisdiction of and by the Dodge correctional institution, wherever located, is a precinct of the institution; and each precinct is part of the institution.

SECTION 430. 53.02 (4m) of the statutes is repealed.

SECTION 431. 53.11 (3) of the statutes is repealed and recreated to read:

53.11 (3) (a) For the purpose of computing good time earned or forfeited under this section, separate consecutive sentences shall be construed as one continuous sentence, regardless of when the convictions occurred and when the sentences were imposed, if the crimes for which those sentences were imposed occurred before the person was committed under any of the sentences. Each separate consecutive sentence imposed for a crime which is committed while the person is serving a sentence or is on parole shall be deemed a first sentence for purposes of computing good time. No more good time may be granted for any one year than is specified in sub. (1) as modified by s. 53.12 (1).

(b) If this section has not been applied to any person who is in custody or to any person who is on parole, the person may petition the department to have good time credit computed under this section. Upon proper verification of the facts alleged in the petition, this section shall be applied retrospectively to the person.

SECTION 431m. 53.385 of the statutes is created to read:

53.385 Correctional institution health care. The standards for delivery of health services in state correctional institutions governed under s. 46.03 (1) shall be based on the essential standards of the American medical association standards for health services in prisons, published in July 1979. On or before October 1, 1980, the department shall report to the appropriate standing committees in each house of the legislature on the implementation of the standards, the areas in which current practices are deficient and on the department's plan of correction. The correction plan shall be implemented by July 1, 1981.

SECTION 432. 55.001 of the statutes is amended to read:

55.001 Declaration of policy. The legislature recognizes that ~~there are~~ many citizens of the state ~~who~~, because of the infirmities of aging, chronic mental illness, mental retardation, other developmental disabilities or like incapacities incurred at any age, are in need of protective services. ~~Such~~ These services should, to the maximum degree of feasibility, allow the individual the same rights as other citizens, and at the same time protect the individual from exploitation, abuse and degrading treatment. This chapter is designed to establish those services and assure their availability to all persons when in need of them, and to place the least possible restriction on personal liberty and exercise of constitutional rights consistent with due process and protection from abuse, exploitation and neglect.

SECTION 433. 55.01 (4m) of the statutes is created to read:

55.01 (4m) "Mental illness" means mental disease to the extent that an afflicted person requires care, treatment or custody for his or her own welfare or the welfare of others or of the community.

SECTION 434. 55.02 of the statutes is amended to read:

55.02 Protective service system; establishment. The department shall develop a state-wide system of protective service for mentally retarded and other developmentally disabled persons, for aged infirm persons, for chronically mentally ill persons and for persons with other like incapacities incurred at any age in accordance with ~~regulations and standards~~ rules established by the department. The protective service system shall be designed to encourage independent living and to avoid protective placement whenever possible. The system shall utilize the planning and advice of agencies as defined in s. 55.01 (1), including the community boards under s. 51.42 or 51.437 or county boards of public welfare. The ~~chairman~~ chairperson of each county board of supervisors shall designate the community board under s. 51.42 or 51.437, the county board of public welfare or a joint mechanism of ~~such these~~ these boards to have the responsibility for local planning for the protective service system. The department and ~~such these~~ these boards shall cooperate in developing a coordinated system of services. ~~With respect to this program,~~ The department shall provide direct services and enter into contracts with any responsible public or private agency, ~~public or private~~, for provision of protective services.

SECTION 435. 55.06 (2) (c) of the statutes is amended to read:

55.06 (2) (c) As a result of developmental disabilities, infirmities of aging, chronic mental illness or other like incapacities, is so totally incapable of providing for his or her own care or custody ~~that his condition creates as to create~~ a substantial risk of serious harm to ~~himself~~ oneself or others. Serious harm may be occasioned by overt acts or acts of omission; and

SECTION 436. 55.06 (11) (a) of the statutes is amended to read:

55.06 (11) (a) ~~When~~ If from personal observation of a sheriff, police officer, ~~fireman~~ fire fighter, guardian, if any, or authorized representative of a board designated under s. 55.02 or an agency designated by it it appears probable that an individual will suffer irreparable injury or death as a result of developmental disabilities, infirmities of aging, chronic mental illness or other like incapacities if not immediately placed, the person ~~making such~~ the observation may take into custody and transport the individual to an appropriate medical or protective placement facility. The person making placement shall prepare a statement at the time of detention providing specific factual information concerning the person's observations and the basis for emergency placement. ~~Such~~ The statement shall be filed with the director of the facility and shall also be filed with any petition under sub. (2). At the time of ~~such~~ placement the individual shall be informed by the director of the facility or ~~such person's~~ the director's designee, both orally and in writing, of his or her right to contact an attorney and a member of his or her immediate family and the right to have an attorney ~~provided~~ provided at public expense, as provided under s. 967.06 and ch. 977, if the individual is indigent. The director or designee shall also provide the individual with a copy of the statement by the person making emergency placement.

SECTION 437m. 59.065 of the statutes, as created by chapter 34, laws of 1979, is amended to read:

59.065 Private sewage system ordinance. (1) Every county governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (15), shall adopt an ordinance governing private sewage systems, as defined in s. 145.01 (14), which conforms with the state plumbing code. The ordinance shall apply to the entire area of the county governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (15). After July 1, 1980, no city, village or town may adopt or enforce a private sewage system ordinance unless it is a governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (15).

(2) The county governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (15), shall administer the private sewage system ordinance in accordance with s. 145.20 and the rules promulgated under s. 145.20.

SECTION 438. 59.07 (97) of the statutes is amended to read:

59.07 (97) CHILD SUPPORT AND PATERNITY PROGRAM. The county board of each county shall designate by board resolution any office, officer, board, department or agency, as the county designee. The department of health and social services shall contract with the county board or its designee to implement the child support and establishment of paternity program provided for by Title IV of the federal social security act. The board or its designee shall implement and administer the child support and establishment of paternity program in accordance with the contract with the state department of health and social services. The district attorney, corporation counsel, family court commissioner, clerk of court and all other county officials shall cooperate with the county and the department as necessary to provide the services required under the program. The department shall ensure that such contracts are for amounts reasonable and necessary to assure quality of service. If a county refuses to name a local designee or fails to fully implement the program in accordance with department guidelines, the state may implement the program. The county shall charge the fee established by the department under s. 46.25 for services provided hereunder to individuals not receiving assistance under s. 49.19.

SECTION 438m. 59.07 (100) of the statutes is created to read:

59.07 (100) GROUP HOMES. Own or operate group homes, as defined in s. 48.02 (7).

SECTION 439. 59.47 (14) of the statutes is created to read:

59.47 (14) Cooperate, as necessary, with the county and the department of health and social services in establishing paternity and establishing and enforcing child support under the child support and establishment of paternity program under s. 46.25, including,

but not limited to, representation of individuals not receiving assistance under s. 49.19. Upon the request and under the supervision and direction of the attorney general, brief and argue all such cases brought by appeal or writ of error or certified from his or her county to the court of appeals or supreme court.

SECTION 440. 59.57 (7) of the statutes is repealed and recreated to read:

59.57 (7) Fees for processing vital records or issuing copies of vital records shall be as provided in ch. 69.

SECTION 441. 59.57 (8) and (11b) of the statutes are repealed.

SECTION 442. 59.715 (21) of the statutes is repealed and recreated to read:

59.715 (21) Case records and other record material of all public assistance kept as required under ch. 49, if no payments have been made for at least 3 years and if a face sheet or similar record of each case and a financial record of all payments for each aid account are preserved in accordance with rules adopted by the department of health and social services.

SECTION 443. 59.715 (22) of the statutes is amended to read:

59.715 (22) After 10 years ~~records and papers pertaining to marriage license applications and records and papers pertaining to the applications~~, including antenuptial physical examinations and test certificates, consents of parent or guardian for marriage and orders of the court ~~permitting marriage or waiving the waiting period~~.

SECTION 444. 59.74 (2) of the statutes is amended to read:

59.74 (2) In addition to the depositories specified in sub. (1), the local government pooled-investment fund ~~and the local government trust investment fund~~ may be designated as ~~depositories~~ a depository for investment purposes.

SECTION 445. 59.75 (1) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

59.75 (1) Whenever any county board has designated a county depository under s. 59.74 the county treasurer shall deposit therein as soon as received all funds that come to the treasurer's hands in that capacity in excess of the sum the treasurer is authorized by the board to retain. Any sum on deposit shall be deemed to be in the county treasury, and the treasurer shall not be liable for any loss thereon resulting from the failure or default of such depository. The county board, a committee of the county board designated by it or the county treasurer acting under s. 59.20 (14) may invest any funds that come into the county treasurer's hands in excess of the sum the treasurer is authorized by the county board to retain for immediate use in the name of the county in the local government pooled-investment fund, ~~in the local government trust investment fund~~, in interest-bearing bonds of the United States or of any county or municipality in the state or in any other investment authorized by statute. The board, committee or the county treasurer acting under s. 59.20 (14) may sell such securities when deemed advisable.

SECTION 445m. 60.19 (1) (a) of the statutes, as affected by chapter 130, laws of 1979, is amended to read:

60.19 (1) (a) Biennially, in the odd-numbered years, at the annual town meeting each town shall elect the following officers: 3 supervisors except when the number of supervisors has been increased under par. (am), one of whom shall be designated on the ballots as chairman, a town clerk, a treasurer, or, under s. 60.60 (2) (b), a person to serve in the combined office of town clerk and town treasurer, an assessor (the number of assistant assessors for which the town board before the election made provisions), if election of the assessor is provided, and so many constables, not exceeding 3, as were ordered by the last preceding annual town meeting. No person not an elector of the town may hold any town office, except that the town may appoint a corporation as an assistant to the assessor under s. 70.05 (2), or employ a corporation or the department of revenue as expert help

under s. 70.055, or the town board may appoint a person who is not an elector of the town under sub. (2) or (5), and no person may hold the offices of treasurer and assessor at the same time. The electors may at a referendum election held at the time of any regular or special election, vote to combine the offices of assessor and clerk to take effect at the expiration of the current terms of such officers. No assessor may be elected in towns appointing such officers under civil service under subs. (2) and (3) and no assessor may be elected in any town after the town comes within the jurisdiction of a county assessor under s. 70.99. The corporation or the department of revenue appointed under s. 70.055 shall designate the person who shall serve with the assessor as the assessment board. The designee shall file the official oath as prescribed in s. 19.01, and sign the affidavit of the assessor attached to the assessment roll under s. 70.49. No person may be designated by any corporation or the department of revenue unless the person has been granted the appropriate certification under s. ~~73.03 (2)~~ 73.09.

SECTION 446. 60.19 (2) of the statutes is amended to read:

60.19 (2) The electors of any town may request a referendum under sub. (3) to select assessors by appointment, except where ~~such~~ the town has come within the jurisdiction of a county assessor under s. 70.99. Selection shall be under any one of the following 3 options: ~~(a)~~ If ~~such~~ the town has a civil service system, the assessor may be chosen in accordance therewith; ~~(b)~~ If ~~such~~ the town has no civil service system, the town board may by ordinance adopt one under s. 66.19 (2) for the selection of assessors; ~~(c)~~ If ~~such~~ the town does not adopt a civil service system for selection of assessors, the town board shall appoint them on the basis of merit, experience and general qualifications, and fix the salary and the term of office which shall not exceed 3 years. A corporation or an independent contractor may be appointed as the town assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under s. 19.01, and sign the affidavit of the assessor attached to the assessment roll under s. 70.49. No person may be designated by any corporation or independent contractor unless he or she has been granted the appropriate certification under s. ~~73.03 (2)~~ 73.09. For purposes of this subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

SECTION 446m. 60.19 (2m) of the statutes is amended to read:

60.19 (2m) Commencing with the 1977 elections and appointments made on or after January 1, 1977, no person may assume the office of town assessor unless certified by the department of revenue under s. ~~73.03 (2) (b)~~ 73.09, as qualified to perform the functions of the office of assessor. If a person who has not been so certified is elected to the office, the office shall be vacant and the appointing authority shall fill the vacancy from a list of persons so certified by the department of revenue.

SECTION 447. 61.197 (1) (f) of the statutes is amended to read:

61.197 (1) (f) A corporation or an independent contractor may be appointed as the village assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under s. 19.01, and sign the affidavit of the assessor attached to the assessment roll under s. 70.49. No person may be designated by any corporation or independent contractor unless he or she has been granted the appropriate certification under s. ~~73.03 (2)~~ 73.09. For purposes of this subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

SECTION 447m. 61.27 of the statutes is amended to read:

61.27 Assessor. In all villages not assessed by a county assessor the assessor shall take and file the official oath. The assessor shall begin under s. 70.10 to make an assessment of all of the property in the village liable to taxation, as prescribed by law. The assessor shall return the assessment roll to the village clerk at the same time and in the same manner in which town assessors are required to do. The assessor's compensation shall be fixed by the village board. Commencing with the 1977 elections and appointments made on or after January 1, 1977, no person may assume the office of village assessor unless certified by the department of revenue under s. ~~73.03-(2)-(b)~~ 73.09 as qualified to perform the functions of the office of assessor. If a person who has not been so certified is elected to the office, the office shall be vacant and the appointing authority shall fill the vacancy from a list of persons so certified by the department of revenue.

SECTION 447r. 62.03 (1) of the statutes is amended to read:

62.03 (1) This subchapter, except ~~s. ss. 62.071, shall and 62.23 (7) (em), does not apply to 1st class cities of the 1st class under special charter.~~

SECTION 448. 62.09 (1) (c) of the statutes is amended to read:

62.09 (1) (c) A corporation or an independent contractor may be appointed as the city assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under s. 19.01, and sign the affidavit of the assessor attached to the assessment roll under s. 70.49. No person may be designated by any corporation or independent contractor unless he or she has been granted the appropriate certification under s. ~~73.03-(2)~~ 73.09. For purposes of this subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

SECTION 448d. 62.09 (1) (d) of the statutes is amended to read:

62.09 (1) (d) Commencing with the 1977 elections and appointments made on and after January 1, 1977, no person may assume the office of city assessor unless certified by the department of revenue under s. ~~73.03-(2)-(b)~~ 73.09 as qualified to perform the functions of the office of assessor. If a person who has not been so certified is elected to the office, the office shall be vacant and the appointing authority shall fill the vacancy from a list of persons so certified by the department of revenue.

SECTION 448m. 62.23 (6) (a) to (d) of the statutes are amended to read:

62.23 (6) (a) The council of ~~every~~ any city may by ordinance or resolution establish an official map of the city or any part thereof showing the streets, highways, parkways, parks and playgrounds ~~theretofore~~ laid out, adopted and established by law, ~~and such~~. The city may also include the location of railroad rights-of-way and public transit facilities on its map. The map is to be deemed to be final and conclusive with respect to the location and width of streets, highways and parkways, and the location and extent of railroad rights-of-way, public transit facilities, parks and playgrounds shown thereon. Such on the map. The official map is declared to be established to conserve and promote the public health, safety, convenience or general welfare. Said The ordinance or resolution shall ~~make it the duty of~~ require the city clerk at once to file with the register of deeds of the county or counties in which ~~such~~ the city is situated a certificate showing that the city has established ~~such~~ an official map. An ordinance or resolution establishing any part of an official map enacted prior to June 16, 1965, which would be valid under this paragraph is hereby validated.

(b) ~~Such~~ The city council is authorized and empowered, whenever and as often as it ~~may deem it for the public interest, to change or add to~~ may amend the official map of the city so as to establish the exterior lines of planned new streets, highways, parkways, railroad rights-of-way, public transit facilities, parks or playgrounds, or to widen, narrow,

extend or close existing streets, highways, parkways, railroad rights-of-way, public transit facilities, parks or playgrounds. No such change ~~shall~~ may become effective until after a public hearing in relation thereto concerning the proposed change before the city council or a committee appointed by the city council from its members, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the public hearing shall be published as a class 2 notice, under ch. 985. Before making such addition or change amending the map, the council shall refer the matter to the city plan commission for report ~~thereon,~~ but if the city plan commission ~~shall~~ does not make its report within 60 days of ~~such~~ reference, it ~~shall forfeit~~ forfeits the right to further suspend action. ~~Such additions and changes when~~ When adopted ~~shall,~~ amendments become a part of the official map of the municipality, and ~~shall be deemed to be final and are~~ are conclusive with respect to the location and width of the streets, highways and parkways and the location and extent of railroad rights-of-way, public transit facilities, parks and playgrounds shown thereon on the map. The placing of any street, highway, parkway, railroad right-of-way, public transit facility, park or playground line or lines upon the official map ~~shall does not in and of itself constitute or be deemed to constitute~~ the opening or establishment of any street, parkway, railroad right-of-way, public transit facility, park or playground, or the taking or acceptance of any land for such these purposes.

(c) The locating, widening or closing, or the approval of the locating, widening or closing of streets, highways, parkways, railroad rights-of-way, public transit facilities, parks or playgrounds by the city under provisions of law other than this section shall be deemed to ~~be a change or addition to~~ amend the official map, and ~~shall be~~ are subject to ~~the provisions of this section,~~ except that changes or additions made by a subdivision plat approved by the city under ch. 236 ~~shall do~~ not require the public hearing specified in par. (b) if the changes or additions do not affect any land outside the platted area.

(d) ~~For the purpose of preserving the integrity of such official map, no~~ No permit shall ~~hereafter may~~ be issued for any building in the bed of any street, highway, railroad right-of-way, public transit facility or parkway, shown or laid out on ~~such the~~ map except as provided in this section. The street, highway, railroad right-of-way, public transit facility or parkway system shown on the official map may be shown on the official map as extending beyond the boundaries of a city or village a distance equal to that within which the approval of land subdivision plats by the city council or village board is required as provided by s. 236.10 (1) (b) 2. Any person desiring to construct a building in the bed of a street, highway, railroad right-of-way, public transit facility or parkway so shown as extended may apply to the authorized official of the city or village for a building permit. Unless ~~such an~~ application is made, and the building permit granted or not denied within 30 days, ~~such the person shall not be~~ is not entitled to compensation for damage to ~~such the~~ building in the course of construction of the street, highway, railroad right-of-way, public transit facility or parkway. If the land within ~~such the~~ mapped street, highway, railroad right-of-way, public transit facility or parkway is not yielding a fair return, the board of appeals in any municipality which has established such a board having power to make variances or exceptions in zoning regulations, ~~shall have power in a specific case may,~~ by the vote of a majority of its members, to grant a permit for a building in such the path or the street, highway, railroad right-of-way, public transit facility or parkway, which will as little as practicable increase the cost of opening ~~such the~~ street, highway, railroad right-of-way, public transit facility or parkway, or tend to cause a change of ~~such the~~ official map; ~~and such.~~ The board may impose reasonable requirements as a condition of granting ~~such the~~ permit, ~~which requirements shall be designated~~ to promote the health, convenience, safety or general welfare of the community. ~~Such~~ The board shall refuse a permit where the applicant will not be substantially damaged by placing ~~his the~~ building outside the mapped street, highway, railroad right-of-way, public transit facility or parkway.

SECTION 448r. 62.23 (7) (em) of the statutes is created to read:

62.23 (7) (em) *Historic preservation.* Any 1st class city, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may protect by ordinance any place, structure or object with a special character, historic interest, aesthetic interest or value. The city may create a landmarks commission to designate historic landmarks within the city and may establish historic districts as needed surrounding the landmarks. The city may regulate the use of all property within each historic district to protect and preserve the historic landmarks within the district.

SECTION 449. 63.20 of the statutes is amended to read:

63.20 Compulsory attendance and fees of witnesses. Any person who is served with a subpoena to appear and testify or to produce books and papers, issued by the board of city service commissioners in the course of any investigation conducted under ss. 63.18 to 63.53, and who refuses or neglects to appear and testify or to produce books and papers relevant to the investigation, as commanded in the subpoena, shall be guilty of a misdemeanor, and shall on conviction be punished by a fine or imprisonment or both, as provided under ss. 63.18 to 63.53. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this state, and shall be paid from the appropriation for the expenses of the board. Any circuit court of this state or any judge thereof, upon application of the board, may compel the attendance of witnesses, the production of books and papers and giving of testimony before the board by attachment for contempt or otherwise, in the same manner as the production of evidence may be compelled before the court. Every person, who takes an oath or makes affirmation before a commissioner in the course of the investigation, and swears or affirms wilfully, corruptly and falsely, shall be guilty of perjury, and upon conviction shall be punished accordingly.

SECTION 450. 66.04 (2) of the statutes is amended to read:

66.04 (2) INVESTMENTS. Any county, city, village, town, school district, drainage district, vocational, technical and adult education district or other governing board as defined by s. 34.01 (4) may invest any of its funds not immediately needed in time deposits in any bank, savings bank, trust company or savings and loan association which is authorized to transact business in this state, such time deposits maturing in not more than one year, or in bonds or securities issued or guaranteed as to principal and interest of the U.S. government, or of a commission, board or other instrumentality of the U.S. government, or bonds or securities of any county, city, drainage district, vocational, technical and adult education district, village, town or school district of this state or, in the case of a town, city or village, in any bonds or securities issued under the authority of the municipality, whether the same create a general municipality liability or a liability of the property owners of the municipality for special improvements, and may sell or hypothecate the same. Funds of any city or village in a deferred compensation plan approved by the internal revenue service may also be invested and reinvested in the same manner authorized for investments under s. 881.01 (1). Any local government as defined under s. 25.50 (1) (d) may also invest surplus funds in the local government pooled-investment fund ~~or the local government trust investment fund~~. Cemetery perpetual care funds or endowment funds including gifts where the principal is to be kept intact may also be invested under ch. 881.

SECTION 452. 66.191 (1) of the statutes is repealed and recreated to read:

66.191 (1) Whenever a police officer, fire fighter, county undersheriff, deputy sheriff, county traffic police officer, conservation warden, state forest ranger, field conservation employe of the department of natural resources who is subject to call for forest fire control or warden duty, member of the state traffic patrol, university of Wisconsin system full-time police officer, guard or any other employe whose principal duties are supervision and discipline of inmates at a state penal institution including central state hospital, investigator employed by the division of criminal investigation of the department of justice who is a

participating employe under subch. I or IV of ch. 41, while engaged in the performance of duty, is injured or contracts a disease due to his or her occupation, and is found upon examination to be so disabled by a disability which is likely to be permanent, as to render necessary the person's retirement from any of the aforesaid services, the department of industry, labor and human relations shall order payment to him or her monthly, under s. 20.865 (1) (d) or 102.21, of a sum equal to one-half the person's monthly salary in such service at the time that the person became so disabled. A disability of such a nature as to require reduction in pay or position or assignment to light duty or to adversely affect promotional opportunities within the service is deemed sufficient to permit the employe the option of retirement.

SECTION 453. 66.191 (5) of the statutes is repealed and recreated to read:

66.191 (5) (a) No person is entitled to a payment under this section unless the person first files written election to waive disability benefits under s. 41.13 and subch. IV of ch. 41 with the department of employe trust funds and the department of industry, labor and human relations. The department of industry, labor and human relations may not enter an order for payment under this section and an employer as defined by s. 41.02 (4) may not make a payment under a settlement of a claim made under this section unless written waiver is first filed as required by this section.

(b) The department of industry, labor and human relations, prior to entering an order under this section, and employers, as defined by s. 41.02 (4), prior to making any payment under a settlement of a claim under this section, shall notify the department of employe trust funds of the award or settlement and request notification of the total amount paid by the department of employe trust funds under s. 41.13 or subch. IV of ch. 41 to the person entitled to benefits under this section. The amount due the Wisconsin retirement fund for any payments made under s. 41.13 or subch. IV of ch. 41 shall be ordered paid out of the amount awarded under this section.

(c) No person may receive disability benefits under this section and also under s. 41.13 or subch. IV of ch. 41.

SECTION 453b. 66.23 (11) (a) of the statutes is amended to read:

66.23 (11) (a) Notwithstanding sub. (1) the governing bodies of cities, towns and villages comprising a sewerage district may make the initial appointments of the commissioners under this section. ~~Thereafter, the county boards shall appoint the commissioners under sub. (1).~~

SECTION 453m. 66.23 (11) (am) of the statutes is created to read:

66.23 (11) (am) 1. If the governing bodies of each city, town and village comprising a district pass a resolution authorizing the election of commissioners to terms succeeding the initial appointments, commissioners shall be chosen to fill vacant seats at spring elections, as defined in s. 5.02 (21), of the district at large. Each commissioner may hold office until a successor is elected and qualified, except as provided in s. 17.27 (1m). Any commissioner elected for a regular or unexpired term shall take office after filing the official oath on the 4th Monday in April.

2. No resolution passed under subd. 1 may authorize election of commissioners sooner than 6 months after the date of passage. The commission shall immediately notify the elections board under s. 5.05 upon passage of a resolution under subd. 1.

3. If the governing bodies of each city, town and village comprising the district pass a resolution to discontinue election of commissioners, each commissioner may hold office until a successor is appointed and qualified. The commission shall immediately notify the elections board under s. 5.05 upon passage of a resolution under this subdivision.

SECTION 453q. 66.28 (title) of the statutes is amended to read:

66.28 (title) Abandoned property, sales, disposal.

SECTION 453r. 66.28 of the statutes is renumbered 66.28 (1) and amended to read:

66.28 (1) Cities, villages, towns and counties ~~may~~, at a public auction to be held once a year, may dispose of any personal property which has been abandoned, or remained unclaimed for a period of 30 days after the taking of possession of the ~~same~~ property by the city, village, town or county officers. All receipts from ~~such~~ the sales, after deducting the necessary expenses of keeping ~~such~~ the property and conducting ~~such~~ the auction, shall be paid into the city, village, town or county treasury.

SECTION 453s. 66.28 (2) to (4) of the statutes are created to read:

66.28 (2) Cities, villages, towns and counties may safely dispose of abandoned or unclaimed flammable, explosive or incendiary substances, materials or devices posing a danger to life or property in their storage, transportation or use immediately after taking possession of the substances, materials or devices without a public auction. The city, village, town or county, by ordinance or resolution, may establish disposal procedures. Procedures may include provisions authorizing an attempt to return to the rightful owner substances, materials or devices which have a commercial value in the normal business usage and do not pose an immediate threat to life or property. If enacted, any such provision shall include a presumption that if the substance, material or device appears to be or is reported stolen an attempt will be made to return the substance, material or device to the rightful owner.

(3) Except as provided in s. 968.20 (3), 1st class cities shall dispose of abandoned or unclaimed firearms or ammunition without a public auction 12 months after taking possession of them if the owner has not requested their return. Disposition procedures shall be established by ordinance or resolution and may include provisions authorizing an attempt to return to the rightful owner any firearms or ammunition which appear to be stolen or are reported stolen. If enacted, any such provision shall include a presumption that if the firearms or ammunition appear to be or are reported stolen an attempt will be made to return the firearms or ammunition to the rightful owner. The firearms or ammunition shall be subject to sub. (4).

(4) A city, village, town or county may dispose of any firearm or ammunition under this section only by return to the rightful owner, destruction or transfer to the state crime laboratory under s. 165.75, the division of law enforcement services of the department of justice, the federal bureau of investigation or the alcohol, tobacco and firearms bureau of the U.S. department of treasury.

SECTION 454. 66.365 of the statutes is created to read:

66.365 Aids to municipalities; environmental damage compensation. The department of natural resources may make grants to any county, city, village or town for the acquisition or development of recreational lands and facilities from moneys appropriated under s. 20.370 (2) (bj). Use and administration of the grant shall be consistent with any court order issued under s. 147.23 (4). A county, city, village or town which receives a grant under this section is not required to share in the cost of a project under this section.

SECTION 454a. 66.38 of the statutes is created to read:

66.38 Municipal mortgage housing assistance. (1) DEFINITIONS. In this section:

(a) "Debt service" means the amount due of principal, interest and premium for mortgage revenue bonds issued under this section.

(b) "Dwelling" means any structure used or intended to be used for habitation with up to 2 separate units certified for occupancy by the city. "Dwelling" also means any housing cooperative incorporated under ch. 185.

(c) "Lending institution" means any private business issuing home mortgages.

(d) "Municipality" means any city, town or village in a county with a population greater than 500,000.

(e) "Owner-occupied dwelling" means a dwelling in which the owner occupies or will occupy any unit.

(2) ISSUING LOANS. (a) The legislative body of any municipality may adopt a resolution, authorizing the municipality to:

1. Issue mortgage loans with an interest rate less than the lowest rate available at lending institutions within the municipality, for the purchase or construction of any owner-occupied dwelling located within an area described in sub. (3). Financing for rehabilitation or home improvements may be made available as part of these loans.

2. Issue loans to any lending institution within the municipality that agrees to loan the money at designated terms for the purchase, purchase and rehabilitation or construction of any owner-occupied dwelling located within an area described in sub. (3).

3. Foreclose any mortgage and sell the mortgaged property for collection purposes if the mortgagor defaults on the payment of principal and interest of a loan issued under this section.

(b) The resolution shall designate each area in which dwellings are eligible for loans.

(c) No loan may be issued to purchase, purchase and rehabilitate or construct a dwelling that violates applicable provisions of the one- and 2-family dwelling code under ss. 101.60 to 101.66, or that violates any ordinance the municipality adopts regulating the dwelling. If the dwelling is found to be violating the dwelling code or any ordinance after issuance of the loan, the loan shall default. The municipality may require the full loan to become due or may increase the interest rate to the maximum allowable. The municipality may defer imposing a penalty for up to one year after the violation is found to exist.

(3) ELIGIBLE AREAS. Owner-occupied dwellings in any area of the municipality are eligible for loans under this section if any 2 of the following conditions exist:

(a) The median assessed property value of one- and 2-family dwellings in the area is less than or equal to 80% of the median assessed property value of one- and 2-family dwellings in the municipality.

(b) The median family income of the area is less than or equal to 80% of the median family income of the municipality.

(c) The proportion of owner-occupied dwellings in the area is less than or equal to 80% of the proportion of owner-occupied dwellings in the municipality.

(d) The vacancy rate of dwellings in the area is greater than or equal to 120% of the vacancy rate of dwellings in the municipality.

(4) MORTGAGE REVENUE BONDING. (a) The legislative body of any municipality may issue mortgage revenue bonds by resolution, to finance low-interest mortgage loans under this section. The resolution shall state the maximum dollar amount of authorized bonds and the purpose for which the municipality may issue the bonds. The resolution shall state the terms, form and content of the bonds.

(b) Debt service is payable solely from revenues received from the loans issued under this section. No mortgage revenue bond issued under this section is a debt of the municipality or a charge against the city's general credit or taxing powers. The municipality shall plainly state the provisions of this paragraph on the face of each mortgage revenue bond.

(c) The municipality shall use revenues from payment of the principal and interest of loans issued under this section to pay debt service. The municipality shall use any excess revenues to pay other costs accruing from the issuance of the loans. The municipality shall deposit any remaining revenues in a revolving fund of the municipal treasury, to use for additional loans under this section.

(d) The resolution may authorize appointment of a receiver to collect interest and principal on loans issued under this section for paying debt service, if the municipality defaults on paying debt service.

SECTION 454b. 66.39 (8) of the statutes, as affected by chapter 110, laws of 1979, is amended to read:

66.39 (8) LAW APPLICABLE. ~~So far as applicable, and not inconsistent with~~ Except as otherwise provided in this section, ~~section s. 66.40 (10) to (21) and (24) (a) shall apply and (am) applies~~ to county veterans' housing authorities and to housing projects, bonds, other obligations and rights and remedies of obligees of ~~such~~ the authorities, except that bonds of ~~such~~ the authorities shall may not bear interest in excess of 3 ~~per cent~~ % per year.

SECTION 454bm. 66.40 (24) (am) of the statutes is created to read:

66.40 (24) (am) The authority may reject any bid required under par. (a).

SECTION 454c. 66.431 (5) (a) 2 of the statutes is amended to read:

66.431 (5) (a) 2. To enter into any contracts determined by the authority to be necessary to effectuate the purposes of this section. All contracts, other than those for personal or professional services, in excess of \$3,000 shall be subject to bid and awarded to the lowest qualified and competent bidder. The authority may reject any bid required under this paragraph. The authority shall advertise for bids by a class 2 notice, under ch. 985, published in the city in which the project is to be developed.

SECTION 454d. 66.46 (2) (f) (intro.) of the statutes is amended to read:

66.46 (2) (f) (intro.) "Project costs" mean any expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred by the city which are listed in a project plan as costs of public works or improvements within a tax incremental district or, to the extent provided in subd. 40 11, without the district, plus any costs incidental thereto, diminished by any income, special assessments, or other revenues, other than tax increments, received or reasonably expected to be received by the city in connection with the implementation of ~~such~~ the plan. ~~Such~~ The project costs include, but are not limited to:

SECTION 454h. 66.46 (2) (f) 10 of the statutes is amended to read:

66.46 (2) (f) 10. That portion of costs related to the construction or alteration of sewerage treatment plants, water treatment plants or other environmental protection devices, storm or sanitary sewer lines, water lines, or amenities on streets or the rebuilding or expansion of streets the construction, alteration, rebuilding or expansion of which is necessitated by the project plan for a district, ~~whether or not the construction, alteration, rebuilding or expansion and~~ is within the district.

SECTION 454p. 66.46 (2) (f) 11 of the statutes is created to read:

66.46 (2) (f) 11. That portion of costs related to the construction or alteration of sewerage treatment plants, water treatment plants or other environmental protection devices, storm or sanitary sewer lines, water lines, or amenities on streets outside the district if the construction, alteration, rebuilding or expansion is necessitated by the project plan for a district, and if at the time the construction, alteration, rebuilding or expansion begins there are improvements of the kinds named in this subdivision on the land outside the district in respect to which the costs are to be incurred.

~~SECTION 454s. 66.46 (4) (c) 4 a of the statutes is amended to read:~~

~~66.46 (4) (c) 4 a. Not less than 25%, by area, of the real property within such district meets at least one of the following criteria: 1) is a "blighted area"; or 2) is in need of "rehabilitation or conservation work" within the meaning of s. 66.435 (3), or 3) is suitable for "industrial sites" within the meaning of s. 66.52; and~~ **Vetoed in Part**

SECTION 454t. 66.46 (4) (f) of the statutes is amended to read:

66.46 (4) (f) Adoption by the planning commission of a project plan for each tax incremental district and submission of the plan to the local legislative body. The plan shall include a statement listing the kind, number and location of all proposed public works or improvements within the district or, to the extent provided in sub. (2) (f) ~~to 11~~, outside the district, an economic feasibility study, a detailed list of estimated project costs, and a description of the methods of financing all estimated project costs and the time when the costs or monetary obligations related thereto are to be incurred. The plan shall also include a map showing existing uses and conditions of real property in the district; a map showing proposed improvements and uses in the district; proposed changes of zoning ordinances; master plan, map, building codes and city ordinances; a list of estimated nonproject costs; and a statement of the proposed method for the relocation of any persons to be displaced.

SECTION 454v. 66.46 (5) (d), (6) (a) (intro.) and (11) (a) of the statutes are amended to read:

66.46 (5) (d) The department of revenue shall not certify the tax incremental base as provided in par. (b) until it determines that each of the procedures and documents required by sub. (4) (a) to (c) or (h) has been timely completed and all notices required under sub. (4) (a) to (c) or (h) timely given. The facts supporting any document adopted or action taken to comply with sub. (4) (a) to (c) or (h) shall not be subject to review by the department of revenue under this paragraph.

(6) (a) (intro.) Positive tax increments with respect to a tax incremental district are allocated to the city which created ~~such~~ the district for each year commencing after the date when a project plan is adopted under sub. (4) (g). The department of revenue shall not authorize allocation of tax increments until it determines from timely evidence submitted by the city that each of the procedures and documents required under sub. (4) (d) to (f) have been completed and all related notices given in a timely manner. The facts supporting any document adopted or action taken to comply with sub. (4) (d) to (f) shall not be subject to review by the department of revenue under this paragraph. Thereafter, tax increments shall be annually allocated to the city that created such a district until the earlier of:

(11) (a) With respect to the county, school districts, and any other local governmental body having the power to levy taxes on property located within a tax incremental district, if the allocation of positive tax increments has been authorized by the department of revenue under sub. (6) (a), the calculation of the equalized valuation of taxable property in a tax incremental district for the apportionment of property taxes may not exceed the tax incremental base of the district until the district is terminated.

SECTION 455. 66.521 (1) (c) of the statutes is created to read:

66.521 (1) (c) It is found and declared that the revitalization of the central business districts of the municipalities of this state is necessary to retain existing industry in, and attract new industry to, this state and to protect the health, welfare and safety of residents of this state.

SECTION 456. 66.521 (2) (b) 17 of the statutes is created to read:

66.521 (2) (b) 17. Nonresidential facilities including, but not limited to, one or more shopping centers, office buildings, convention or trade centers, hotels, motels or other nonresidential buildings, with respect to which an urban development action grant has been made under 42 USC 5318 as in effect on the effective date of this act (1979).

SECTION 456b. 66.521 (2) (m) of the statutes is created to read:

66.521 (2) (m) "Authorized developer" means a corporation organized under ch. 180 or 181 which the governing body designates as an authorized developer after making a finding that the principal purpose of the corporation is the general promotion of business development in the municipality or in the local area containing the municipality.

SECTION 456d. 66.521 (4) (a) of the statutes is amended to read:

66.521 (4) (a) All bonds issued by a municipality under the authority of this section shall be limited obligations of the municipality. The principal of and interest on such bonds shall be payable solely out of the revenues derived pursuant to the revenue agreement pertaining to the project to be financed by the bonds so issued under this section, or, in the event of default of such agreement and to the extent that the municipality so provides in the proceedings of the governing body whereunder the bonds are authorized to be issued, out of any revenues derived from the sale, releasing or other disposition of the project, or out of any collateral securing the revenue agreement, or out of the proceeds of the sale of bonds. Bonds and interest coupons issued under authority of this section shall ~~never do not~~ constitute an indebtedness of the municipality, within the meaning of any state constitutional provision or statutory limitation, ~~and shall.~~ Bonds and interest coupons issued under this section do not constitute nor give rise to a pecuniary liability of the municipality or a charge against its the municipality's general credit or taxing powers. Such limitation shall be plainly stated on the face of each such bond, or a pecuniary liability of the municipality or a redevelopment authority under s. 66.431, including but not limited to:

SECTION 456e. 66.521 (4) (a) 1 and 2 of the statutes are created to read:

66.521 (4) (a) 1. Liability for failure to investigate or negligence in the investigation of the financial position or prospects of an eligible participant, a user of a project or any other person or for failure to consider, or negligence concerning, the adequacy of terms of, or collateral security for, the bonds or any related agreement to protect interests of holders of the bonds; and

2. Any liability in connection with the issuance or sale of bonds, for representations made, or for the performance of the obligation of any person who is a party to a related transaction or agreement except as specifically provided in this section or by an express provision of the bond or a related written agreement to which the municipality is a party.

SECTION 456f. 66.521 (4) (b) to (e) of the statutes are renumbered 66.521 (4) (c) to (f).

SECTION 456g. 66.521 (4) (b) of the statutes is created to read:

66.521 (4) (b) The limitation of liability provided by par. (a) (intro.) shall be plainly stated on the face of each bond.

SECTION 456h. 66.521 (7) (j) of the statutes is created to read:

66.521 (7) (j) The financing of the acquisition cost, incurred after the date of adoption of the initial resolution, of property acquired from an authorized developer ~~which is substantially completed or under construction on February 1, 1979, and~~ which is substantially unused prior to the acquisition, except the authorized developer may have leased the property prior to its acquisition, for a period not to exceed 2 years, for the purpose of deriving revenue from the property pending its sale.

Vetoed
in Part

SECTION 456j. 66.521 (10) (e) of the statutes is created to read:

66.521 (10) (e) Members of a governing body and officers and employes of a municipality are not personally liable on bonds and are not personally liable for any act or omission related to the authorization or issuance of bonds.

SECTION 456k. 67.04 (2) (zq), (4) (e) and (5) (t) of the statutes are created to read:

67.04 (2) (zq) To finance the cost of low-interest mortgage loans under s. 66.38.

(4) (e) To finance the cost of low-interest mortgage loans under s. 66.38.

(5) (t) To finance the cost of low-interest mortgage loans under s. 66.38.

SECTION 456m. 67.05 (6m) (a) of the statutes is amended to read:

67.05 (6m) (a) A resolution adopted by a vocational, technical and adult education district board for an issue of bonds in an amount of money not exceeding \$500,000 for ~~purposes specified in s. 38.16 (2) building remodeling or improvement~~ need not be submitted to the electors of the district for approval unless within 30 days after the resolution is adopted there is filed with the vocational, technical and adult education district secretary a petition requesting a referendum thereon. Such a petition shall be signed by electors from each county lying wholly or partially within the district. The number of electors from each county shall equal at least 1.5% of the population of the county as determined under s. 16.96 (2) (c). If a county lies in more than one district, the state board of vocational, technical and adult education shall apportion the county's population as determined under s. 16.96 (2) (c) to the districts involved and the petition shall be signed by electors equal to the appropriate percentage of the apportioned population. Any resolution adopted under sub. (1) in an amount of money not exceeding \$500,000 at the discretion of the district board, may be submitted to the electors without waiting for the filing of a petition. All resolutions adopted under sub. (1) in an amount of money in excess of \$500,000 or more for ~~purposes specified in s. 38.16 (2) building remodeling or improvement~~ shall be submitted to the electors of the district for approval. If a referendum is duly petitioned or required under this subsection, bonds may not be issued until the electors of the district have approved the issue as provided in sub. (2) (e).

SECTION 457. 67.12 (8m) of the statutes is amended to read:

67.12 (8m) TEMPORARY BORROWING BY VOCATIONAL, TECHNICAL AND ADULT EDUCATION DISTRICT. The district board of any vocational, technical and adult education district may on its own motion, made and properly recorded at a lawful board meeting, borrow money in such sums as are needed to meet the immediate expenses of operating and maintaining the schools of the district during the current fiscal year. No such loan may be made to extend beyond the current fiscal year nor to an amount exceeding one-half the estimated receipts for the operation and maintenance of the schools for the current fiscal year in which the loan is made, as certified by the district treasurer. All such loans shall be evidenced by promissory notes ~~with interest not exceeding 7%~~ which may be signed by the district board chairman, vice chairman, secretary or treasurer. Whenever a vocational, technical and adult education district becomes entitled to state aids, tuition revenues or taxes levied, the district may pledge or assign all or portions of these revenues due but not yet paid as security for the repayment of promissory notes issued ~~hereunder~~ under this subsection. Any indebtedness secured by such assignment shall be construed as a paid or satisfied debt in reporting or computing the outstanding debt of the district.

SECTION 457m. 67.12 (12) (e) 5 of the statutes is amended to read:

67.12 (12) (e) 5. Within 10 days of the adoption by a vocational, technical and adult education district board of a resolution to incur an indebtedness under this section for a purpose under s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption as a class 1 notice, under ch. 985. The notice need not set forth the full contents of the resolution, but shall state the amount proposed to be borrowed, the method of borrowing, the purpose thereof, that the resolution was adopted pursuant to this subsection and the place where and the hours during which the resolution can be inspected. If the amount proposed to be borrowed is for a purpose under s. 38.16 (2) building remodeling or improvement and does not exceed \$500,000, the district board need not submit the resolution to the electors for approval unless within 30 days after the publication or posting there is filed with the secretary of the district board a petition requesting a referendum at a special election to be called for that purpose. Such petition shall be signed by electors from each county lying wholly or partially within the district. The number of electors from each county shall equal at least 1.5% of the population of the county as determined under s. 16.96 (2) (c). If a county lies in more than one district,

the board of vocational, technical and adult education shall apportion the county's population as determined under s. 16.96 (2) (c) to the districts involved and the petition shall be signed by electors equal to the appropriate percentage of the apportioned population. In lieu of a special election, the district board may specify that the referendum shall be held at the next succeeding spring primary or election or September primary or general election. Any resolution to borrow amounts of money in excess of \$500,000 for a purpose ~~under s. 38.16 (2) building remodeling or improvement~~ shall be submitted to the electors of the district for approval. If a referendum is held or required under this subdivision, no promissory note may be issued until the issuance is approved by a majority of the district electors voting at such referendum. The referendum shall be noticed, called and conducted pursuant to s. 67.05 (6a) insofar as applicable, except that the notice of special election and ballot need not embody a copy of the resolution and the question which shall appear on the ballot shall be "Shall (name of district) be authorized to borrow the sum of \$.... for (state purpose) by issuing its general obligation promissory note (or notes) pursuant to s. 67.12 (12), Wis. Stats.?"

SECTION 458. 69.23 (1) of the statutes is amended to read:

69.23 (1) The state registrar, register of deeds or the local registrar of any city shall, upon request, furnish any applicant a certified copy of a record in their possession of any birth, ~~fetal death~~, death, marriage or divorce.

SECTION 459. 69.24 (1) (d) of the statutes is amended to read:

69.24 (1) (d) A fee of ~~\$1~~ \$4 for a short form certificate, ~~except that such certificate for a person under 18 years of age shall be issued free.~~

SECTION 459m. 69.24 (1) (f) of the statutes is created to read:

69.24 (1) (f) The state registrar, register of deeds or any city health officer may not require a fee under this section from any person who requests one copy of a birth certificate and who presents a waiver of fees form provided by a public assistance agency under s. 49.13 (2). The department, in cooperation with local registrars, shall develop and distribute a waiver of fees form which all public assistance agencies shall use and which all registrars shall accept.

SECTION 460. 69.25 (3) of the statutes is repealed.

SECTION 461. 69.30 (1) (e) of the statutes is created to read:

69.30 (1) (e) The state registrar may authorize the inspection or transfer of uncertified copies of records for statistical processing or for inclusion of children born out of wedlock under public health programs.

SECTION 462. 69.31 of the statutes is amended to read:

69.31 Foundlings reported. Anyone finding an unknown child shall immediately report that fact to the register of deeds of the county or city health officer of the city where the child was found, as provided in s. 69.09. The report shall show the sex and ~~color~~ race of the child, the date and place of finding the child, and the name of the person or institution in charge of such child. The town, village or city in which the child is found shall be known as the place of legal birth and the date of birth shall be stated by the person in charge of the child as nearly as can be determined and the date so given shall be known as the legal date of birth. The person or superintendent of the institution with whom the child is placed for care shall give the child a name and shall be responsible for filling out as completely as possible the regular form of birth certificate and filing it with such register of deeds or the city health officer, who shall make a copy for local files and forward the original to the department. If the child ~~should~~ is later be identified and a certificate of birth be found or obtained, the record provided for by this section shall be destroyed. ~~When~~ If foundlings or other children for whom it is impossible to provide a regular form of birth certificate are adopted, ~~it shall be lawful for the adoptive parents to~~ may fill out and sign a birth record, giving their names as the adoptive parents.

SECTION 463. 69.33 (1) of the statutes, as affected by chapter 32, laws of 1979, is amended to read:

69.33 (1) On being advised under s. 48.94 of the adoption of any child whose birth has previously been registered or under s. 765.25 of the legitimation of any child by the marriage of the parents, the state registrar shall file a new birth certificate filled out and signed by the registrar or the registrar's authorized representative. In this new certificate reference shall be made to this section by number only. In all other respects the certificate shall be the same as other birth certificates and shall contain nothing else to differentiate it therefrom. ~~In case such~~ If the adopted child was born elsewhere a new certificate may be filed under this section if the adoptive parent files with the state registrar a certified copy of the original birth certificate or satisfactory proof that the birth was not recorded. ~~The place of birth may be given as the place where the adoption order was made and the date of birth shall be taken from the original certificate, or, in the absence thereof, from the adoption order except that if.~~ If the child was born outside the United States, the actual place of birth shall be given whether or not the natural parents were U.S. citizens, but if they were not, the certificate shall may not be issued until proof of naturalization of the child has been furnished to the registrar.

SECTION 464. 69.33 (9) of the statutes is amended to read:

69.33 (9) If the state registrar receives notification of ~~a judgment an order~~ entered under s. 52.37 (3), the state registrar shall either make and file a new certificate, following the provisions of this section so far as applicable, or correct the old certificate as provided in s. 69.335.

SECTION 465. 69.335 of the statutes is amended to read:

69.335 Correction of birth records. A person born in this state may request the state registrar or the register of deeds of the county of birth or in cities the health officer of the city of birth, to correct the registrant's birth record. Minor corrections in the record of the registrant's given name, may be made upon filing a supplementary report signed by the registrant or the registrant's parent, guardian, sister or brother. Major corrections of the record as to surname, sex, date and place of birth may be made by the state registrar, the register of deeds or city health officer only upon filing an affidavit by the registrant or the registrant's parent, guardian, sister or brother setting forth the corrections to be made and the reasons therefor. All corrections shall be made in red ink on the original record without erasures. On the margin of the record the officer shall make, date and sign the following notation: The corrections entered in red ink on the adjoining birth record were made this day of 19 by me and are based on (a supplementary report or an affidavit).

Signed
(State Registrar),
(City Health Officer)
or (Register of Deeds.)

Supporting documentation to confirm correct spelling of surname, or date or place of birth, shall be required. The state registrar, city health officer or the register of deeds to whom such requests are made shall promptly notify each other of the corrections to be made and each shall make the same corrections or notations to the record in red ink.

SECTION 466. 69.336 (title) of the statutes is amended to read:

69.336 (title) Correction of birth records through court proceedings.

SECTION 467. 69.38 of the statutes is repealed and recreated to read:

69.38 Certification of causes of death. (1) **PHYSICIAN'S CERTIFICATION.** (a) The physician in charge of the patient's care for the illness or condition resulting in death, except when the coroner or medical examiner holds an inquiry, shall complete and sign the medical certification in black ink and return it to the funeral director, or to the person acting under s. 69.34 (2) or 155.02, within 24 hours after death.

(b) In the absence of or with the approval of the physician in charge of the patient's care, the medical certification may be completed and signed by another physician involved in the case, by the chief medical officer of the institution in which death occurred, or by the physician who performed an autopsy on the decedent, if the physician who signs has access to the medical history of the case.

(2) **CORONER'S OR MEDICAL EXAMINER'S CERTIFICATION.** The coroner or medical examiner may employ a physician to complete and sign the medical certification. The coroner or medical examiner, or the physician employed by the coroner or medical examiner, shall complete and sign the medical certification in the following circumstances:

(a) After investigation of all deaths reported under s. 979.20.

(b) If no physician was in charge of the case.

(c) If the physician in charge of the case refuses to complete and sign the medical certification.

(3) **CERTIFICATION; CAUSE OF DEATH UNKNOWN, UNDETERMINED OR DETERMINATION PENDING.** If the cause of death is unknown, undetermined or if the determination is pending, this fact shall be shown on the certificate. As soon as the findings become available to the person certifying the cause of death under sub. (1) or (2), that person shall sign and date an amendment to the certification and forward it to the office of the state registrar.

(4) **FORMAT OF CERTIFICATION.** The cause of death and all other facts required shall be stated in accordance with the rules of the state registrar.

SECTION 468. 69.39 of the statutes is repealed.

SECTION 469. 69.40 of the statutes is repealed.

SECTION 470. 69.41 of the statutes is repealed.

SECTION 471. 69.48 (2) of the statutes is amended to read:

69.48 (2) The permit shall contain the date of interment and signature of the sexton and shall be retained as part of the sexton's records for 2 years.

SECTION 472. 69.525 of the statutes is created to read:

69.525 Reproduction of vital records. The state registrar or local registrars with the approval of the state registrar may prepare typewritten, photographic, electronic or other reproductions of original records and files to preserve and retain vital records. When certified as correct by the state registrar or local registrars in accordance with s. 909.02, the reproduction shall be accepted as the original record.

SECTION 472b. 70.02 of the statutes is amended to read:

70.02 Definition of general property. General property is all the taxable real and personal property defined in ss. 70.03 and 70.04 except that which is taxed under ss. 70.37 to 70.395 and ~~chs. ch. 76 and subch. I of ch. 77~~. General property includes manufacturing property subject to s. 70.995, but assessment of ~~such that~~ property shall be made according to s. 70.995.

SECTION 472g. 70.05 (1) of the statutes is amended to read:

70.05 (1) The assessment of general property for taxation in all the towns, cities and villages of this state shall be made according to this chapter unless otherwise specifically provided. There shall be elected at the spring election one assessor for each taxation district not subject to assessment by a county assessor under s. 70.99 if election of the assessor is provided. Commencing with the 1977 elections and appointments made on and after January 1, 1977, no person may assume the office of town, village or city assessor unless certified by the department of revenue under s. ~~73.03 (2) (b)~~ 73.09 as qualified to perform the functions of the office of assessor. If a person who has not been

so certified is elected to the office, the office shall be vacant and the appointing authority shall fill the vacancy from a list of persons so certified by the department of revenue.

SECTION 472m. 70.055 (1) (b) of the statutes is amended to read:

70.055 (1) (b) That ~~he~~ through examination given by the department of revenue ~~he or she~~ has demonstrated to the department that ~~he or she~~ possesses the necessary qualifications for certification of assessors as described in s. 73.03 (2). ~~Conditional certification may be granted to any individual currently in the field of assessment administration. Such conditional certification shall expire 2 years after August 5, 1973. During the period of time of such conditional certification an individual shall qualify by examination 73.09.~~

SECTION 472r. 70.06 (3m) of the statutes, as affected by chapter 95, laws of 1979, is amended to read:

70.06 (3m) Commencing with appointments made on or after January 1, 1977, no person may assume the office of tax commissioner, deputy tax commissioner, chief assessor, chief appraiser, supervising assessor, supervising appraiser or assessor appointed under sub. (2) (c), unless certified by the department of revenue under s. ~~73.03 (2) (b)~~ 73.09 as qualified to perform the functions of the office of assessor. If a person who has not been so certified is appointed to the office, the office shall be vacant and the appointing authority shall fill the vacancy from a list of persons so certified by the department of revenue.

SECTION 472s. 70.11 (4m) of the statutes is renumbered 70.11 (4m) (a).

SECTION 472t. 70.11 (4m) (b) of the statutes is created to read:

70.11 (4m) (b) Real property leased by and used exclusively for the purposes of any hospital that has 10 beds or more, is devoted primarily to the diagnosis, treatment or care of the sick, injured or disabled and is owned and operated by a corporation, voluntary association, foundation or trust no part of the net earnings of which inures to the benefit of any shareholder, member, director or officer and is not operated principally for the benefit of or principally as an adjunct to the private practice of a doctor or group of doctors. This exemption applies only to real property leased from a nonprofit organization or nonprofit hospital that is exempt from taxation under this chapter and that uses the income derived from the lease only for maintenance of the leased property. This exemption does not apply to property used for commercial purposes or as a doctor's office.

SECTION 472v. 70.11 (21) (a) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

70.11 (21) (a) All property purchased or constructed as a waste treatment facility ~~utilized~~ used for the treatment of industrial wastes as defined in s. 144.01 (5) or air contaminants as defined in s. 144.30 (1) but not for other wastes as defined in s. 144.01 (9) and approved by the department of revenue for the purpose of abating or eliminating pollution of surface waters, the air or waters of the state. For the purposes of this subsection "industrial waste" also includes wood chips, sawdust and other wood residue from the paper and wood products manufacturing process that can be used as fuel and would otherwise be considered superfluous, discarded or fugitive material. The department of natural resources and department of health and social services shall make recommendations upon request to the department of revenue regarding such property. All property purchased or upon which construction began prior to July 31, 1975, shall be subject to s. 70.11 (21), 1973 stats.

SECTION 473. 70.27 (8) of the statutes is amended to read:

70.27 (8) PLAT FILED WITH GOVERNING BODY. Within 2 days after the assessor's plat is filed with the governing body, it shall be transmitted to the ~~head of the planning function of the~~ department of local affairs and development by the clerk of the governing body which ordered the plat. ~~The head of the planning function~~ department of local affairs

and development shall review the plat within 30 days of its receipt. No such plat ~~shall~~ may be given final approval by the local governing body until the ~~head of the planning function~~ department of local affairs and development has certified on the face of the original plat that it complies with the applicable provisions of ss. 236.15 and 236.20. After the plat has been so certified the clerk shall promptly publish a class 3 notice thereof, under ch. 985. The plat shall remain on file in the clerk's office for 30 days after the first publication. At any time within ~~such~~ the 30-day period any person or public body having an interest in any lands affected by the plat may bring a suit to have ~~such~~ the plat corrected. If no ~~such~~ suit is brought within ~~such time~~ the 30-day period, the plat may be approved by the governing body, and filed for record. If ~~such~~ a suit is brought, approval shall be withheld until the suit is decided. The plat shall then be revised in accordance with ~~such~~ the decision if necessary, and, without rereferral to the ~~head of the planning function~~ of the department of local affairs and development unless ~~such~~ rereferral is ordered by the court. The plat may then be approved by the governing body and filed for record. When so filed the plat shall carry on its face the certificate of the clerk that all provisions of this section have been complied with. When recorded after approval by the governing body, the plat shall have the same effect for all purposes as if it were a land division plat made by the owners in full compliance with ch. 236. Before January 1 of each year, the register of deeds shall notify the town clerks of the recording of any assessors' plats made or amended during the preceding year, affecting lands in their towns.

SECTION 473f. 70.511 (2) (b) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

70.511 (2) (b) If the reviewing authority reduces the value of the property in question, the taxpayer may file a claim for refund of taxes resulting from the reduction in value. The claim for refund shall be filed with the clerk of the municipality on or before November 1. The clerk of the municipality may charge each taxing district for which taxes were collected from the taxpayer its proportionate share of the claim for refund. The claim plus interest on it at the rate of 0.8% per month shall be payable to the taxpayer from the municipality no later than January of the succeeding year, ~~plus interest thereon at the rate of 0.8% per month~~. In the case of manufacturing property assessed by the department of revenue under s. 70.995, the state shall pay the interest on the refund from the appropriation under s. 20.855 (4) (a), except that no interest may be paid if the reviewing authority determines under s. 70.995 (8) (a) that the value of the property was reduced because the taxpayer supplied false or incomplete information.

SECTION 473g. 70.53 of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

70.53 Statement of assessment and exemptions. Upon the correction of the assessment roll as provided in s. 70.52, the clerks shall prepare and, on or before the 2nd Monday in June, transmit to the supervisor of assessments for the taxation district a detailed statement of the aggregate of each of the several items of taxable property specified in s. 70.30, a detailed statement of each of the several classes of taxable real estate, entering land and improvements separately, as prescribed in s. 70.32 (2), the aggregate of all taxable property by elementary and high school district and by vocational, technical and adult education district, and a detailed statement of the aggregate of each of the several items of exempt real property as specified by the department of revenue, entering land and improvements separately, and shall ~~transmit~~ make available to the department of revenue at its request a copy of the corrected assessment roll from which the detailed statement is prepared. Failure to comply subjects the taxation district to the penalty provisions under s. 73.03 (5). The supervisor of assessments shall review and correct the statement and provide corrected copies to the county clerk with respect to the towns, cities and villages within each county, and to the secretary of revenue. Every county clerk shall, at the expense of the county, annually procure and furnish to each town, city and village clerk

blanks for such statements, the form of which shall be prescribed by the department of revenue.

SECTION 473m. 70.99 (1) of the statutes is amended to read:

70.99 (1) A county assessor system may be established for any county by passage of a resolution or ordinance adopting such a system by an approving vote of 60 % of the entire membership of the county board. After passage of ~~such~~ this enabling resolution or ordinance by the county board, the county executive, or the county administrator, or the chairman of the county board with the approval of the county board, shall appoint a county assessor from a list of candidates provided by the department of revenue ~~that who~~ have passed an examination and have been certified by the department of revenue as qualified for performing the functions of his ~~the~~ office. ~~All deputies and assistant assessors selected by the county assessor shall within 2 years of the date of employment be certified by the department of revenue.~~ Certification shall be granted to all persons demonstrating proficiency by passing an examination administered by the department. The persons selected for ~~such~~ listing shall first have been given a comprehensive examination, approved by the department of revenue, relating to the work of county assessor. A person appointed as county assessor shall thereafter have permanent tenure, after successfully serving the probationary period in effect in ~~such~~ the county, and may be removed or suspended only for the reasons named in s. 17.14 (1) or for such cause as would sustain the suspension or removal of a state employe under state civil service rules. If employes of a county are under a county civil service program, the county assessor may, and any person appointed as a member of his or her staff shall, be incorporated into ~~such~~ the county civil service program but tenure is dependent on the foregoing provision.

SECTION 473n. 70.995 (8) (a) of the statutes is amended to read:

70.995 (8) (a) The secretary of revenue shall establish a state board of assessors, which shall be comprised of ~~such~~ the members of the department of revenue as whom the secretary designates. The state board of assessors shall investigate any objection referred to it by direction of the tax appeals commission. The state board of assessors shall, after having made the investigation, notify the person assessed or the person's agent and the appropriate municipality of its determination by 1st class mail, and a copy of the determination shall be ~~transmitted~~ sent to the tax appeals commission. If the determination results in a refund of property taxes paid, the state board of assessors shall include in the determination a finding of whether the refund is due to false or incomplete information supplied by the person assessed. The person assessed or the municipality having been notified of the determination of the state board of assessors shall be deemed to have accepted ~~such~~ the determination unless the person or municipality notifies the tax appeals commission in writing, within 15 days of issuance of the notice of a desire to present testimony before the commission. If an assessment is reduced by the state board of assessors, the municipality affected may seek review of the reduction before the tax appeals commission even though the municipality did not file an objection to the assessment with the tax appeals commission prior to the referral to the board. If an assessment is increased by the board, the person assessed may seek review of the increase before the commission even though the person did not file an objection to the assessment with the commission prior to the referral to the board.

SECTION 473p. 70.995 (12) of the statutes is renumbered 70.995 (12) (a) and amended to read:

70.995 (12) (a) The department of revenue shall prescribe a standard manufacturing property report form ~~to~~ that shall be submitted annually on or before March 1 by all manufacturers included in a classification specified in sub. (2). The report form shall contain all information deemed necessary by the department and shall include, without limitation, income and operating statements, fixed asset schedules and a report of new

construction or demolition. ~~Submission of the report shall be mandatory and failure~~ Failure to submit the report shall result in denial of any right of redetermination by the tax appeals commission. If any real or personal property is omitted or understated in the assessment roll in any of the next 5 previous years except 1973, 1972, 1971, 1970 and 1969, the assessor shall enter the value of the omitted or understated property ~~shall be entered by the assessor once for each previous year of such~~ the omission or understatement designating each such. The assessor shall designate each additional entry as omitted or understated for the year 19.. (giving year of omission or understatement) ~~and affixing~~ a. The assessor shall affix a just valuation to each entry for a former year as the same it should have been assessed according to the assessor's best judgment, and taxes. Taxes shall be apportioned and collected on the tax roll for such each entry, and interest shall be added at the rate of 0.8% per month for the period of time between the date when the incorrect form is required to be submitted and the date when the assessor affixes the just valuation. In computing this interest, a fraction of a month shall be considered to be a full month.

SECTION 473q. 70.995 (12) (b), (c) and (d) of the statutes are created to read:

70.995 (12) (b) The department of revenue shall allow an extension to March 15 of the due date for filing the report forms required under par. (a) if a written application for an extension, stating the reason for the request, is filed with the department before March 1.

(c) If a taxpayer fails to file any form required under par. (a) by the due date or by any extension of the due date that has been granted, the department of revenue shall enter against the taxpayer a penalty not to exceed the lesser of \$10,000 or 0.05% of the previous year's full value assessment for the property to be assessed from the form, if the property was assessed by the department during the previous year. The department shall not enter a penalty if the department did not assess the property during the previous year.

(d) The penalty assessed under par. (c) shall be added to the tax due upon the assessed value of the property for the year during which the report was due. The penalty shall be subject to review in the same manner as provided for review of the assessment of value of manufacturing property. Any penalty remaining unpaid after becoming due shall be a lien upon the property and be otherwise subject to collection by the municipality in the same manner as delinquent property taxes.

SECTION 474. 70.996 (1m) (intro.) of the statutes is amended to read:

70.996 (1m) (intro.) DISTRIBUTIONS. ~~On or about April 20, 1979, and annually thereafter~~ Annually, on the 4th Monday of April, until 1983, counties, towns, villages and cities shall be paid by the state from the appropriation under s. 20.835 (2) (ds) the following amounts:

SECTION 475. 71.01 (4) (g) of the statutes, as affected by chapter 102, laws of 1979, is amended to read:

71.01 (4) (g) ~~1. For purposes of In this subsection, "internal revenue code" means the federal internal revenue code as effective November 5, 1971, except that for:~~

1. For taxable year 1976 "internal revenue code" means the federal internal revenue code as amended to December 31, 1975, or such code as subsequently amended or changed by the U.S. congress and effective for the taxable year for federal income tax purposes, at the option of the insurer; and "life insurance" includes annuities.

2. For taxable year 1977, "internal revenue code" means the federal internal revenue code as amended to December 31, 1976, or the code as subsequently amended or changed by the U.S. congress and effective for the taxable year for federal income tax purposes, at the option of the insurer; and "life insurance" includes annuities.

3. For taxable year years 1978 and ~~subsequent years~~ 1979, "internal revenue code" means the federal internal revenue code as amended to December 31, 1977, or the code as subsequently amended or changed by the U.S. congress and effective for the taxable year for federal income tax purposes, at the option of the insurer; and ~~"life insurance" includes annuities.~~

SECTION 476. 71.01 (4) (g) 4 and 5 of the statutes are created to read:

71.01 (4) (g) 4. For taxable year 1980 and subsequent years, "internal revenue code" means the federal internal revenue code as amended to December 31, 1979.

5. "Life insurance" includes annuities.

SECTION 477. 71.02 (1) (a) 4 of the statutes is amended to read:

71.02 (1) (a) 4. For taxable year years 1978 and ~~subsequent years~~ 1979, for a corporation or common law trust which qualifies as a regulated investment company or real estate investment trust under the internal revenue code as amended to December 31, 1977, or such code as subsequently amended or changed by the U.S. congress and effective for the taxable year for federal income tax purposes, at the option of the corporation or trust, "net income" means the federal regulated investment company taxable income or the federal real estate investment trust taxable income of the corporation or trust as determined under the internal revenue code as amended to December 31, 1977, or the code as subsequently amended or changed by the U.S. congress and effective for the taxable year for federal income tax purposes, at the option of ~~such the~~ corporation or trust. The same version of the internal revenue code shall be used by the corporation or trust under this subdivision to determine its qualification and to define its ~~"net income"~~ net income.

SECTION 478. 71.02 (1) (a) 5 of the statutes is created to read:

71.02 (1) (a) 5. For taxable year 1980 and subsequent years, for a corporation or common law trust which qualifies as a regulated investment company or real estate investment trust under the internal revenue code as amended to December 31, 1979 "net income" means the federal regulated investment company taxable income or the federal real estate investment trust taxable income of the corporation or trust as determined under the internal revenue code as amended to December 31, 1979.

SECTION 479. 71.02 (2) (b) 5 of the statutes, as created by chapter 34, laws of 1979, is amended to read:

71.02 (2) (b) 5. For the taxable year 1979 ~~and thereafter~~, "internal revenue code" means the federal internal revenue code in effect on December 31, 1978, except that it includes section 214 of the code (relating to deduction of certain dependent care expenses) as it existed immediately prior to its repeal in 1976 by section 504 (b) (1) of P.L. 94-455, section 218 of the code (relating to the deduction of political contributions) as it existed immediately prior to its repeal in 1978 by section 113 (a) of P.L. 95-600 and section 911 (c) of the code (relating to the foreign earned income exclusion) as it existed on December 31, 1977, and it does not include the changes to the code enacted by section 2112 (relating to tax treatment of certain pollution control facilities) of P.L. 94-455, section 164 (relating to employers' educational assistance plans) of P.L. 95-600 and sections 203 and 209 (c) (relating to certain expenses of living abroad) of P.L. 95-615. Amendments to the internal revenue code enacted after December 31, 1978, shall do not apply to this subsection with respect to the taxable year 1979 ~~and thereafter~~.

SECTION 480. 71.02 (2) (b) 6 of the statutes is created to read:

71.02 (2) (b) 6. For the taxable year 1980 and thereafter, "internal revenue code" means the federal internal revenue code in effect on December 31, 1979, except that it includes section 214 of the code (relating to deduction of certain dependent care expenses) as it existed immediately prior to its repeal in 1976 by section 504 (b) (1) of P.L. 94-455, section 218 of the code (relating to the deduction of political contributions) as it

existed immediately prior to its repeal in 1978 by section 113 (a) of P.L. 95-600 and section 911 (c) of the code (relating to the foreign earned income exclusion) as it existed on December 31, 1977, and it does not include the changes to the code enacted by section 2112 (relating to tax treatment of certain pollution control facilities) of P.L. 94-455, section 164 (relating to employers' educational assistance plans) of P.L. 95-600 and sections 203 and 209 (c) (relating to certain expenses of living abroad) of P.L. 95-615. Amendments to the internal revenue code enacted after December 31, 1979, do not apply to this subsection with respect to the taxable year 1980 and thereafter.

~~SECTION 480m. 71.02 (2) (g) of the statutes is created to read:~~
~~71.02 (2) (g) For purposes of computing the amount of gain excluded under section 121 of the internal revenue code and for purposes of computing the subtraction modification under s. 71.05 (1) (b) 10, "principal residence" includes up to 10 acres of farmland contiguous to the principal residence except that farmland does not include any improvements other than the principal residence. "Farmland" means a parcel of 35 or more acres of contiguous land which was devoted to agricultural use for at least 12 consecutive months during the 36-month period preceding election and which during the year preceding election produced gross farm profits as defined in s. 71.09 (11) (a) 3m of not less than \$6,000 or which during the 3 years preceding election produced gross farm profits as defined in s. 71.09 (11) (a) 3m of not less than \$18,000.~~

Vetoed
in Part

SECTION 481. 71.03 (3) (a) of the statutes is amended to read:

71.03 (3) (a) For purposes of income tax reciprocity reached with the state of Minnesota under sub. (2) (c), whenever the income taxes on residents of one state which would have been paid to the 2nd state without reciprocity ~~exceeds~~ exceed the income taxes on residents of the 2nd state which would have been paid to the first state without reciprocity, the state with the net revenue loss shall receive from the other state the amount of such the loss. This subsection shall apply to taxable years beginning after December 31, 1972. Interest shall be payable on all delinquent balances relating to taxable years beginning after December 31, 1977. The secretary of revenue may enter into agreements with the state of Minnesota specifying the reciprocity payment due date, conditions constituting delinquency, interest rates and the method of computing interest due on any delinquent amounts.

SECTION 481g. 71.04 (3) of the statutes is amended to read:

71.04 (3) Taxes other than special improvement taxes paid during the year upon the business or property from which the income taxed is derived, including therein taxes imposed by ~~the this state of Wisconsin~~ as income taxes, and taxes on all real property which is owned and held for business purposes whether income producing or not. Income taxes imposed by ~~the this state of Wisconsin~~ shall accrue for the purpose of this subsection only in the year in which such taxes are assessed. Sales and use taxes paid during the taxable year which under s. 71.043 (2) and (3) may be used to reduce a corporation's income or franchise tax shall not be deductible from gross income.

SECTION 481m. 71.04 (4) of the statutes is renumbered 71.04 (4) (a) and amended to read:

71.04 (4) (a) Dividends, except stock dividends not taxable pursuant to ~~under~~ s. 71.305, received from any corporation conforming to all of the requirements of this subsection. ~~Such~~ The corporation must have filed income tax returns as required by law, the income of ~~such~~ the corporation must have been subject to the income tax law of this state, and the dividend must not have been deductible for tax purposes from the gross income of ~~such~~ the corporation. The principal business of the corporation must be attributable to Wisconsin, and for the purpose of this subsection any corporation shall be considered as having its principal business attributable to Wisconsin only if 50% or more of the entire net income or loss of ~~such~~ the corporation after adjustment for tax purposes (for the year

preceding the payment of such the dividends) was used in computing the taxable income provided by under ch. 71. If the net incomes of several affiliated corporations have been combined for the purpose of determining the amount of income subject to taxation under the statutes, the location of the principal business of such group shall determine the taxable status of dividends paid, but intercompany dividends passing between affiliated corporations whose incomes are included in the taxable income of the group shall not be assessed as group income.

SECTION 481r. 71.04 (4) (b) of the statutes is created to read:

71.04 (4) (b) Fifty percent of the amount of cash dividends received during the year from a corporation with respect to its common stock if the corporation receiving the dividends owned directly or indirectly during the entire income year at least 80% of the total combined voting stock of the payor corporation.

SECTION 481rm. 71.04 (16) (cm) of the statutes is created to read:

71.04 (16) (cm) No expenses incurred for alcohol fuel production systems prior to March 1, 1980 may be deducted, depreciated or amortized under par. (a).

SECTION 481s. 71.05 (1) (a) 2 of the statutes is amended to read:

71.05 (1) (a) 2. Any For taxable years prior to 1982, any amounts deducted under section 1202 of the internal revenue code (relating to the deduction for capital gains).

Vetoed
in Part

SECTION 481sa. 71.05 (1) (a) 2m of the statutes is created to read:

71.05 (1) (a) 2m. For taxable year 1982 and thereafter, five-sixths of any amounts deducted under section 1202 of the internal revenue code (relating to deduction for capital gains).

SECTION 481sb. 71.05 (1) (a) 14 of the statutes is created to read:

71.05 (1) (a) 14. Any amount excluded under section 121 of the internal revenue code if a subtract modification has been claimed under par. (b) 10 in any prior year.

SECTION 481sm. 71.05 (1) (b) 10 of the statutes is created to read:

71.05 (1) (b) 10. Sixty percent of the gain on the sale or exchange of a principal residence, if a person has not attained the age of 55 on the date of the sale or exchange of the property and if the property has been owned and occupied as the person's principal residence but would otherwise qualify for the one-time exclusion of gain from the sale of a principal residence under section 121 of the internal revenue code. The amount of gain subtracted under this subdivision shall not exceed \$60,000. The subtraction under this subdivision shall be elective, and any person electing to subtract 60% of the gain under this subdivision shall not be entitled to elect the one-time exclusion under section 121 of the internal revenue code for persons who have attained the age of 55 before the date of such sale or exchange. An election to claim the 60% subtraction under this subdivision may be made or revoked at any time before the expiration of the period for making a claim for refund of income taxes for the taxable year in which the sale or exchange occurred and should be made or revoked in such manner as the department of revenue shall prescribe. A person may elect only once in his or her lifetime the subtraction under this subdivision or the exclusion under section 121 of the internal revenue code. For purposes of this subdivision, "principal residence" has the meaning under s. 71.02 (2) (g).

SECTION 482. 71.09 (7) (k) of the statutes is amended to read:

71.09 (7) (k) Whenever an audit of any claim filed under this subsection indicates that an incorrect claim was filed, the department shall make a determination of the correct amount and notify the claimant of such the determination and the reasons therefor. Notice of such the determination shall be given to the claimant within 4 years of the last day prescribed by law for filing the claim. Any person feeling aggrieved by such the determination shall, within 30 60 days after receipt thereof, petition the department for redetermination thereof. The department shall make a redetermination on such the petition within 6 months after it is filed and notify the claimant thereof. If no timely petition

for redetermination is filed with the department, its determination ~~shall be~~ is final and conclusive.

SECTION 483. 71.09 (7) (n) of the statutes is amended to read:

71.09 (7) (n) Any person aggrieved by the department of revenue's redetermination under this subsection ~~(, except when the denial is based upon late filing of claim for credit or is based upon a redetermination of rent constituting property taxes accrued as at arms-length),~~ may appeal ~~such~~ the redetermination to the tax appeals commission by filing a petition with the commission within ~~30~~ 60 days after ~~such~~ the redetermination, as provided under s. 73.01 (5) with respect to income tax cases, and review of the commission's decision may be had under s. 73.015. For appeals brought under this paragraph, the filing fee required under s. 73.01 (5) (a) ~~shall~~ does not apply.

SECTION 484. 71.09 (11) (i) of the statutes is amended to read:

71.09 (11) (i) Whenever an audit of any claim filed under this subsection indicates that an incorrect claim was filed, the department shall make a determination of the correct amount and notify the claimant of the determination and the reasons therefor. Notice of the determination shall be given to the claimant within 4 years of the last day prescribed by law for filing the claim. If the claim has been paid, or credited against income taxes otherwise payable, the credit shall be reduced or canceled, and the proper portion of any amount paid shall be similarly recovered by assessment as income taxes are assessed and ~~such~~ the assessment shall bear interest at 9% per ~~annum~~ year from the due date of the claim. Any person feeling aggrieved by the determination may, within ~~30~~ 60 days after receipt, petition the department for redetermination. The department shall make a redetermination on the petition within 6 months after it is filed and notify the claimant. If no timely petition for redetermination is filed with the department, its determination shall be final and conclusive.

SECTION 485. 71.09 (11) (n) of the statutes is amended to read:

71.09 (11) (n) Any person aggrieved by the department's redetermination under this subsection may appeal the redetermination to the tax appeals commission by filing a petition with the commission within ~~30~~ 60 days after the redetermination, as provided under s. 73.01 (5) with respect to income tax cases, and review of the commission's decision may be had under s. 73.015. For appeals brought under this paragraph, the filing fee required under s. 73.01 (5) (a) ~~shall~~ does not apply.

SECTION 485g. 71.10 (6m) of the statutes, as created by chapter (Senate Bill 400), laws of 1979, is amended to read:

71.10 (6m) A person who is required to file an ~~income tax return~~ annual withholding report under ~~this chapter~~ s. 71.20 (4) and who is a self-insurer for the purposes of subch. II of ch. 619 shall indicate on the return that the person is such a self-insurer.

SECTION 485m. 71.11 (7r) of the statutes is created to read:

71.11 (7r) COMBINING NET INCOME OF DISC, PARENT AND AFFILIATED CORPORATION. In the case of a parent corporation, its DISC or affiliate, the net income of a DISC derived from business transacted with its parent shall be combined with the income of the parent corporation and the net income of a DISC derived from business transacted with the parent's affiliated corporation shall be combined with the net income of the affiliated corporation to determine the amount of income subject to taxation under this chapter for the DISC, the parent corporation or the affiliate of the parent corporation as separate taxable entities. The net income of the parent corporation shall not include dividends received from the DISC paid from income previously combined for taxation under this subsection. "DISC" (domestic international sales corporation) has the meaning specified in section 992 of the internal revenue code as amended to December 31, 1979. For purposes of this subsection, a corporation is affiliated if at least 50% of its total combined voting stock is owned directly or indirectly by its parent corporation.

SECTION 486. 71.11 (44) (a) and (b) of the statutes are amended to read:

71.11 (44) (a) ~~No~~ Except as provided in par. (c), no person may divulge or circulate ~~for revenue~~ or offer to obtain, divulge or circulate ~~for compensation~~ any information derived from an income tax, franchise, withholding, fiduciary, partnership or gift tax return or tax credit claim, including information which may be furnished by the department of revenue as provided in this subsection. This paragraph does not prohibit publication by any newspaper of information lawfully derived from ~~income tax or gift tax~~ such returns or claims for purposes of argument or prohibit any public speaker from referring to such information in any address. This paragraph does not prohibit the department of revenue from publishing statistics classified so as not to disclose the identity of particular returns, claims or reports and the items thereof.

(b) The department shall make available upon suitable forms prepared by the department information setting forth the net Wisconsin income tax, Wisconsin franchise tax or Wisconsin gift tax reported as paid or payable in the returns filed by any individual, partnership or corporation for any individual year upon request. Before the request is granted, the person desiring to obtain the information shall prove his or her identity and shall be required to sign a statement setting forth the person's address and reason for making the request and indicating that the person understands the provisions of this subsection with respect to the divulgement, publication or dissemination of information obtained from returns as provided in par. (a). The use of a fictitious name is ~~declared to be~~ a violation of this subsection. Within 24 hours after any information from any such ~~income tax or gift tax~~ return has been so obtained, the department shall mail to the person, ~~partnership or corporation~~ from whose return the information has been obtained a notification which shall give the name and address of the person obtaining the information and the reason assigned for requesting the information. The department shall collect from the person requesting the information a fee of \$1 for each return ~~to defray the cost incident to the furnishing of the information and the notification of the person, partnership or corporation from whose return the information has been obtained.~~

SECTION 487. 71.11 (44) (c) (intro.) and 1 to 6 of the statutes are amended to read:

71.11 (44) (c) (intro.) Subject to pars. (d) and (e) and to ~~regulations~~ rules of the department, any ~~income tax or gift tax~~ returns or claims specified under par. (a) or any schedules, exhibits, writings or audit reports pertaining to the ~~same returns or claims~~ on file with the department shall be open to examination by ~~any of only~~ the following persons ~~or and~~ the contents thereof may be divulged or used only as ~~provided in the following cases and only to the extent therein authorized.~~ follows:

1. The secretary of revenue or any officer, agent or employe of the department;
2. The attorney general; and department of justice employes;
3. Members of any legislative committee on organization or its authorized agents provided the examination is approved by a majority vote of a quorum of its members and the tax return or claim information is disclosed only in a meeting closed to the public. The committee may disclose tax return or claim information to the senate or assembly or to other legislative committees if the information does not disclose the identity of particular returns, claims or reports and the items thereof. The department of revenue shall provide assistance to the committees or their authorized agents in order to identify returns and claims deemed necessary by them to accomplish the review and analysis of tax policy;
4. Public officers of the federal government or other state governments or the authorized agents of such officers, where necessary in the administration of the tax laws of such governments, to the extent that such government accords similar rights of examination or information to officials of this state;

5. The person who filed or submitted such the return or claim, or to whom the ~~same~~ return or claim relates or by ~~his~~ the person's authorized agent or attorney;

6. Any person examining a return or claim pursuant to a court order duly obtained upon a showing to the court that the information contained in the return or claim is relevant to a pending court action or pursuant to a subpoena signed by a judge of a court of record ordering the department's custodian of returns or claims to produce a return or claim in open court in a court action pending before the judge.

SECTION 488. 71.11 (44) (c) 8 of the statutes is created to read:

71.11 (44) (c) 8. A member of the board of arbitration established under s. 71.03 (3) or a consultant under joint contract with the states of Minnesota and Wisconsin for the purpose of determining the reciprocity loss to which ~~which~~ either state is entitled. **Vetoed in Part**

SECTION 489. 71.11 (44) (d) of the statutes is amended to read:

71.11 (44) (d) Copies of ~~income tax or gift tax~~ returns, and claims specified in par. (a) and related schedules, exhibits, writings or audit reports shall not be furnished to the persons listed under par. (c), except persons under par. (c) 5 or under an agreement between the department of revenue and another agency of government.

SECTION 490. 71.11 (44) (g) (intro.), 1 (intro.), b and c, 2 (intro.) and b, 3, 4 (intro.), b and c and 5 of the statutes are amended to read:

71.11 (44) (g) (intro.) District attorneys may examine tax and claim information of persons on file with the department of revenue as follows:

1. (intro.) Such ~~tax~~ information may be examined for use in preparation for any judicial proceeding or any investigation which may result in a judicial proceeding involving ~~income or gift tax~~ any of the taxes or tax credits specified in par. (a) if:

b. The treatment of an item reflected in such ~~tax~~ information is or may be related to the resolution of an issue in the proceeding or investigation; or

c. The ~~tax~~ information relates or may relate to a transactional relationship between the taxpayer or credit claimant and a person who is or may be a party to the proceeding which affects or may affect the resolution of an issue in such proceeding or investigation.

2. (intro.) When the department of revenue allows examination of ~~tax~~ information under subd. 1:

b. If a district attorney requests examination of tax or tax credit information relating to a person, the request must be in writing, clearly identify the requester and the person to whom the information relates and explain the need for the information. The department may then allow the examination of ~~tax~~ information so requested and the information may be examined and used solely for the proceeding or investigation for which it was requested.

3. Such ~~tax~~ information may be examined for use in preparation for any administrative or judicial proceeding or an investigation which may result in such proceeding pertaining to the enforcement of a specifically designated state criminal statute not involving tax administration to which this state or a governmental subdivision thereof is a party. Such ~~tax~~ information may be used solely for the proceeding or investigation for which it is requested.

4. (intro.) The department of revenue may allow an examination of ~~tax~~ information under subd. 3 only if a district attorney petitions a court of record in this state for an order allowing the examination and the court issues an order after finding:

b. There is reason to believe that such ~~tax~~ information is probative evidence of a matter in issue related to the commission of such the criminal act; and

c. The information sought to be examined cannot reasonably be obtained from any other source, unless it is determined that, notwithstanding the reasonable availability of the information from another source, the tax information constitutes the most probative evidence of a matter in issue relating to the commission of such criminal act.

5. If the department determines that examination of tax information ordered under subd. 4 would identify a confidential informant or seriously impair a civil or criminal tax investigation, the department may deny access and shall certify the reason therefor to the court.

SECTION 491. 71.12 (1) of the statutes is amended to read:

71.12 (1) (a) Any person feeling aggrieved by a notice of additional assessment, refund, or notice of denial of refund shall may, within ~~30~~ 60 days after receipt ~~thereof of the notice~~, petition the department of revenue for redetermination. The department shall make a redetermination on ~~such~~ the petition within 6 months after it is filed.

(c) The person, if aggrieved by the department's redetermination, may appeal to the tax appeals commission by filing a petition with the clerk ~~thereof of the commission~~ as provided by law and the rules of practice promulgated by the commission. If a petition is not filed with the commission within the time provided in s. 73.01, or, except as provided in s. 71.10 (10) (e), if no petition for redetermination is made within the time provided the assessment, refund, or denial of refund shall be final and conclusive.

SECTION 492. 71.12 (1) (b) of the statutes is created to read:

71.12 (1) (b) The department shall notify any person who files a petition for redetermination that the person may deposit the amount of an additional assessment, including any interest or penalty, with the department when the petition is filed or at any time before the department makes its redetermination. Amounts deposited under this paragraph shall be subject to the interest provided by s. 71.09 (5) only to the extent of the interest accrued prior to the first day of the month succeeding the date of deposit. Any deposited amount which is refunded shall bear interest at the rate of 9% per year during the time the funds were on deposit. A person may also pay any portion of an assessment which is admitted to be correct and the payment shall be considered an admission of the validity of that portion of the assessment and may not be recovered in an appeal or in any other action or proceeding.

SECTION 493. 71.12 (2) of the statutes, as affected by chapter 110, laws of 1979, is amended to read:

71.12 (2) If the taxpayer requests a hearing, the additional tax or overpayment shall not be placed on the assessment roll until after hearing and determination of the tax by the tax appeals commission or disposition of the appeal pursuant to stipulation and order under ss. 73.01 (4) (a) and 73.03 (25). In the application for ~~such~~ hearing, filed ~~pursuant to~~ under sub. (1) (c), the taxpayer may offer to deposit the entire amount of the additional taxes, together with interest ~~thereon~~, with the state treasurer. If ~~such an~~ offer to deposit is made, the department of revenue shall issue a certificate to the state treasurer authorizing the treasurer to accept payment of such taxes together with interest ~~thereon~~ to the first day of the succeeding month and to give a receipt ~~therefor~~. A copy of ~~such~~ the certificate shall be mailed to the taxpayer who shall ~~thereupon~~ pay ~~such~~ the taxes and interest to the treasurer within 30 days. A copy of the receipt of the state treasurer shall be filed with the department. The department shall, upon final determination of the appeal, certify to the state treasurer the amount of the taxes as finally determined and direct the state treasurer to ~~appropriate the amounts of such taxes, together with the interest thereon, in accordance with s. 71.14 and also direct the state treasurer to refund to the appellant any portion of such payment which has been found to have been illegally assessed, including the interest thereon.~~ The state treasurer shall make the refunds directed by ~~such~~ the certificate within 30 days after receipt ~~thereof~~. Taxes paid to the state treasurer under this subsection shall be subject to the interest provided by ss. 71.09 (5)

and 71.13 (2) only to the extent of the interest accrued on ~~said~~ the taxes prior to the first day of the month succeeding the application for hearing. Any portion of the amount deposited with the state treasurer which is refunded to the taxpayer shall bear interest at the rate of 9% per year during the time that the funds ~~were~~ are on deposit.

SECTION 494. 71.13 (3) (fm) of the statutes is created to read:

71.13 (3) (fm) If the department of revenue has issued an erroneous warrant, the department shall issue to the clerk of circuit court for the county in which the warrant is filed a notice of withdrawal of the warrant. The clerk shall void the warrant and any liens attached by it.

SECTION 494c. 71.20 (8) (f) of the statutes is created to read:

71.20 (8) (f) Whenever the internal revenue code or regulations or rulings of the internal revenue service require an employer to submit copies of, or information taken from, an employe's withholding allowance certificate to the internal revenue service, the employer shall also furnish copies of the certificate to the department within 15 days after the employer is required to file the certificate or information with the internal revenue service.

SECTION 494g. 71.20 (9) (e) of the statutes is amended to read:

71.20 (9) (e) In ~~the~~ place of the exemptions allowable in pars. (a) to (d) the employe may claim the same number of withholding exemptions for Wisconsin withholding tax purposes as are allowable for federal withholding tax purposes.

SECTION 494n. 71.20 (15) of the statutes is created to read:

71.20 (15) (a) The department may verify any withholding exemption certificate, form or agreement filed by an employe with an employer directly from the books and records of any person or from any other sources of information. To ascertain the correctness of any withholding exemption certificate, form or agreement, the department may examine or cause to be examined by any agent or representative designated by it any books, papers, records or memoranda bearing on the certificate, form or agreement and may require the production of books, records and memoranda, and may require testimony and proof relevant to its investigation.

(b) If it appears that a person has filed an incorrect certificate, form or agreement with an employer, the department may void the certificate, form or agreement by notifying the employer and employe. The employer shall then withhold based on the number of exemptions prescribed by the department in its notice. If an employe fails to furnish information requested by the department to verify the correctness of the certificate, form or agreement, the employe shall be considered as claiming no withholding exemptions and the employer shall withhold on that basis upon notification by the department to the employer and the employe.

(c) All provisions of this chapter on the following subjects relating to income taxes that are not in conflict with this section apply to the administration of this section: assessment, hearing and appeal procedures, preparation of assessment and tax rolls, certification of taxes due and correction of them, interest, collection, including ss. 71.09 (10), 71.13 and 71.135, and refund procedures.

SECTION 494r. 71.20 (16) of the statutes is created to read:

71.20 (16) Any employe who files a withholding exemption certificate, form or agreement under sub. (8), (9), (14) or (22) with the intent to defeat or evade the proper withholding of tax under this section shall be subject to a penalty equal to the difference between the amount required to be withheld and the amount actually withheld for the period that the incorrect certificate, form or agreement was in effect.

SECTION 494w. 71.20 (22) (d) of the statutes, as created by chapter 1, laws of 1979, is repealed.

CHAPTER 221

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SECTION 495. 71.21 (1) of the statutes is amended to read:

71.21 (1) Every individual deriving income subject to taxation under this chapter, other than ~~or in addition to~~ wages as defined in s. 71.19 (1) upon which taxes are withheld by ~~his the individual's~~ employer pursuant to under s. 71.20, subject to taxation under this chapter during the calendar year 1965, or any calendar or fiscal year beginning after January 1, 1965, but not later than June 1, 1967, shall make, at the time hereinafter prescribed, a declaration of estimated income tax if the total tax on income of any such year can reasonably be expected to exceed withholding on wages paid in such year, if any, by \$20 or more. For the calendar year 1968 and corresponding fiscal years and for calendar and fiscal years thereafter every individual deriving income other than or in addition to wages as defined in s. 71.19 (1) upon which taxes are withheld by his employer pursuant to s. 71.20, subject to taxation under this chapter shall make, at the time hereinafter prescribed, a declaration of estimated income tax if the total tax on income of any such year can reasonably be expected to exceed withholding on wages paid in such the year, if any, by \$60 or more. Such for taxable years prior to 1981 or by \$100 or more for taxable year 1981 and thereafter. The declaration shall contain such information as the department by rule or forms prescribes. This section shall does not apply to an estate or trust or to any person on active duty with the United States U.S. armed forces while stationed outside the continental United States.

SECTION 496. 71.21 (12) of the statutes is amended to read:

71.21 (12) For sub. (11), the underpayment shall be the excess of the amount of the instalment which would be required to be paid if the total estimated tax were equal to 80% of the tax shown on the return for the taxable year (or, if no return was filed, 80% of the tax for the year) reduced by the aggregate of wages withheld under s. 71.20, over the amount, ~~if any,~~ of the instalment paid on or before the last date prescribed for payment. Any underpayment by an individual may be reduced by any overpayment by the individual's spouse if the spouse filed all required declarations of estimated tax and timely paid all required declaration amounts.

SECTION 497. 72.06 of the statutes is created to read:

72.06 Confidentiality of tax returns. Section 71.11 (44) (a) and (c) to (h) applies to any information obtained from any person by the department on an inheritance or estate tax return, report, schedule, exhibit or other document or from an audit report pertaining to the tax return.

SECTION 498. 72.22 (4) (a) of the statutes, as affected by chapters 1 and 34, laws of 1979, is amended to read:

72.22 (4) (a) Whether or not there is a federal estate tax liability, if the estate would be authorized to pay federal estate taxes under section 6166 or 6166A of the internal revenue code, as amended to December 31, ~~1978~~ 1979, in lieu of full payment, payment may be made according to an equal payment schedule over a period not to exceed 15 years from the decedent's date of death. If an election is made under this subsection, the election shall apply only to the portion of the tax payable by a distributee which is determined by dividing the value of property received by a distributee which qualifies an estate for the election under the internal revenue code by the value of all property received by the distributee. A distributee electing to pay under this subsection may subsequently pay part or all of the remaining tax plus interest at the time any scheduled payment is due under this subsection. Interest on instalment payments under this subsection shall be computed under s. 72.23 at 9% per year.

SECTION 499. 72.86 (1) of the statutes is amended to read:

72.86 (1) **ADDITIONAL ASSESSMENT.** No later than 4 years after the report required by s. 72.85 is filed, the department shall audit it and assess any additional tax which may be due. Interest shall be charged and collected at the rate of 9% per year for the period from the date on which the report was due until payment. If no report of a transfer is filed, an

assessment may be made any time after the report was due. Notice of an assessment shall be given to both the donor and donee by certified mail. If the additional tax is not paid within ~~30~~ 60 days from the receipt of the notice, an additional penalty of 5% of the tax shall be imposed and collected.

SECTION 499m. 73.01 (4) (g) of the statutes is created to read:

73.01 (4) (g) The commission shall, in manufacturing property redeterminations under s. 70.995 for which a refund is due a taxpayer because of a reduction in value by the commission, include in its determination a finding of whether the reduction was due to false or incomplete information supplied by the taxpayer.

SECTION 500. 73.01 (5) (a) of the statutes is amended to read:

73.01 (5) (a) Any person who has filed a petition for redetermination with the department of revenue and who is aggrieved by the redetermination of the department may, within 15 days of the determination of the state board of assessors under s. 70.995 (8) (a) or, in all other cases, within ~~30~~ 60 days after the redetermination but not thereafter, file a petition for review of the action of the department and 4 copies of the petition with the clerk of the commission. The clerk of the commission shall transmit one copy to the department of revenue and to each party. In the case of appeals from manufacturing property assessments, the person assessed shall be a party to a proceeding initiated by a municipality. At the time of filing the petition, the petitioner shall pay to the commission a \$5 filing fee which the commission shall deposit in the general fund. Within 30 days after such transmission the department, except for petitions objecting to manufacturing property assessments, shall file an original and 3 copies of an answer to the petition with the clerk of the commission and shall serve one copy on the petitioner or the petitioner's attorney or agent. Within 30 days after service of the answer, the petitioner may file and serve a reply in the same manner as the petition is filed. Any person entitled to be heard by the commission under s. 76.38 (12) (a), 76.39 (4) (c) or 76.48 may file a petition with the commission within the time and in the manner provided for the filing of petitions in income tax cases. Such papers may be served as a circuit court summons is served or by certified mail. For the purposes of this subsection, a petition for review is considered timely filed if mailed by certified mail in a properly addressed envelope, with postage duly prepaid, which envelope is postmarked before midnight of the ~~30th~~ last day for filing.

SECTION 500g. 73.03 (2) (b), (c) and (d) of the statutes are repealed.

SECTION 500r. 73.09 of the statutes is created to read:

73.09 Assessor certification. (1) **LOCAL ASSESSMENT PERSONNEL.** The department of revenue shall establish by rule the level of certification under sub. (3), the continuing education requirements under sub. (4), examinations under sub. (5), and the requirements for and responsibilities associated with temporary certification under sub. (6) for all assessors and assessment personnel of each local unit of government and for county assessor systems under s. 70.99.

(2) **DEPARTMENT OF REVENUE ASSESSMENT PERSONNEL.** The requirements established for local assessment personnel under sub. (1) shall also apply to department of revenue assessment personnel commencing on January 1, 1981. The division of personnel in the department of employment relations with the assistance of the department of revenue shall determine the position classifications for which certification shall apply within the department of revenue. The first level of certification shall be obtained within 100 days of the employee's appointment. The department of revenue in consultation with the division of personnel in the department of employment relations shall establish requirements for obtaining higher levels of assessor certification.

(3) **LEVELS OF CERTIFICATION.** The levels of certification for assessors and assessment personnel shall be commensurate with the degree of complexity of the various classes of property within each taxation district.

(4) RECERTIFICATION (a) All certifications issued prior to January 1, 1981, shall be valid for 10 years from the date of issuance. All certifications issued on or after January 1, 1981, shall expire on the 6th June 1 following the date of issuance.

(b) Persons may be recertified by passing an examination as provided in sub. (5) or by attendance during the previous 5 years at annual meetings called by the department of revenue under s. 73.06 (1) and by meeting continuing education requirements determined by the department of revenue.

(c) Recertification is contingent upon submission of a notarized application for renewal by March 31 of the year of renewal attesting to the completion of the requirements specified in par. (b).

(5) EXAMINATIONS. As provided in subs. (1) and (2), the department of revenue, assisted by the division of personnel in the department of employment relations, shall prepare and administer examinations for each level of certification. Certification shall be granted to each person who passes the examination for that level.

(6) TEMPORARY CERTIFICATION. As provided in subs. (1) and (2), the department of revenue shall promulgate rules for the temporary certification of the first level of certification and designate the functions that may be performed by such persons. An individual may be granted one temporary certification, valid until the results of the next certification examination are issued, but not for more than 100 days.

SECTION 501. 74.03 (5) (d) of the statutes is amended to read:

74.03 (5) (d) 1. Out of the remaining general property taxes collected ~~he~~ the town, village or city treasurer shall first set aside and pay over to the ~~county~~ state treasurer the full amount due on state trust fund loans ~~of every character~~ under s. 25.01 (3), except ~~these made loans~~ to school districts as defined in s. 115.01 (3), levied on the property in ~~such~~ the town, city or village, unless the governing body ~~thereof~~ of the municipality has extended ~~such~~ the date of payment of trust fund loans pursuant to sub. (5a). ~~He~~ under s. 25.08 (5).

2. The town, village or city treasurer next shall set aside and pay over to each appropriate school district treasurer the full amount due on state trust fund loans to the school district.

3. The town, city or village treasurer shall then pay to each school district treasurer and vocational, technical and adult education district treasurer ~~such~~ the proportions of the levy of ~~such~~ the district as the balance of the general property taxes collected in ~~such~~ the town, city or village bears to the total general property tax levy therein for all purposes included in the tax roll, exclusive of levies for state trust fund loans. In cities operating schools ~~pursuant to~~ under subch. II of ch. 120 ~~he~~ the treasurer shall retain ~~such~~ the proportion levied for school purposes. ~~He~~

4. The town, village or city treasurer shall pay to the county treasurer a like proportion of the state taxes, state special charges, county school tax, other county taxes and county special charges, and shall retain a similar proportion for the town, city or village.

5. The county treasurer shall remit ~~such state trust fund loans~~, state taxes and state special charges to the state treasurer as provided in s. 74.26, and likewise remit ~~such~~ the county school moneys as provided by law, and shall retain for the use of the metropolitan sewerage district an amount equal to the taxes levied ~~pursuant to~~ under s. 59.96 (7), and credit the same amount to the proper metropolitan sewerage area accounts on or before March 20.

SECTION 502. 74.03 (5a) of the statutes is repealed.

SECTION 503. 74.031 (8) (d) and (11) (b) of the statutes are amended to read:

74.031 (8) (d) 1. Out of the remaining general property taxes collected ~~he the town, village or city treasurer~~ shall first set aside and pay over to the county state treasurer the full amount due on state trust fund loans ~~of every character~~ under s. 25.01 (3), except ~~those made loans~~ to school districts as ~~defined in s. 115.01 (3)~~, levied on the property in ~~such the~~ city, village or town. ~~He~~

2. The town, village or city treasurer next shall set aside and pay over to each appropriate school district treasurer the full amount due on state trust fund loans to the school district.

3. The city, village or town treasurer shall then pay to each school district treasurer and vocational, technical and adult education district treasurer ~~such the~~ proportions of the levy of ~~such the~~ district as the balance of the general property taxes collected in ~~such the~~ city, village or town bears to the total general property tax levy therein for all purposes included in the tax roll, exclusive of levies for state trust fund loans and metropolitan sewerage district taxes. In cities operating schools ~~pursuant to~~ under subch. II of ch. 120 ~~he the treasurer~~ shall retain ~~such the~~ proportion levied for school purposes. ~~He~~

4. The town, village or city shall pay to the county treasurer a like proportion of the state taxes, state special charges, county school tax, other county taxes and county special charges and shall retain a similar proportion for the city, village or town.

5. The county treasurer shall remit such state fund loans, state taxes and state special charges to the state treasurer as provided in s. 74.26 and likewise remit ~~such the~~ county school moneys on March 22 and August 20 as provided by law.

(11) (b) ~~He~~ The county treasurer shall first set aside and pay to the ~~proper treasurers~~ state treasurer any balances due on state trust fund loans held by the county.

SECTION 504. 74.21 of the statutes is amended to read:

74.21 Satisfaction of treasurer's bond. Upon filing ~~said this~~ certificate by the town, city or village treasurer and upon payment to the county treasurer of the full amount of state trust fund loans held by the county, unless extended as ~~provided in subsection (5a) of section 74.03~~ under s. 25.08 (5), and the proportionate amounts of state taxes, state special charges, county school tax, other county taxes and county special charges, the county treasurer shall ~~indorse~~ endorse the bond of ~~such the~~ town, city or village treasurer, filed in his or ~~her~~ office, as satisfied and paid; ~~and the indorsement so made shall operate. This endorsement operates as a full discharge of such the town, city or village treasurer and his or her sureties from the obligations of such the bond unless it shall afterwards appear appears that the return of such the town, city or village treasurer was false; in which case such the bond shall continue in force, and such that treasurer and his or her sureties shall be are liable to be prosecuted thereon for all deficiencies and for all damages occasioned by such the false return.~~

SECTION 505. 74.26 (1) and (2) of the statutes are amended to read:

74.26 (1) TO STATE TREASURER. On or before March 22 in each year ~~the several each~~ county ~~treasurers~~ treasurer shall pay to the state treasurer the amounts due ~~under s. 25.08~~ for ~~state trust fund loans~~, state taxes and state special charges certified by the department of administration to ~~such counties that county~~ under s. 70.60. On or before the date specified under s. 25.08 (4) or (5) the county treasurer shall pay to the state treasurer the amount due on any state trust fund loan held by the county.

(2) COUNTY TREASURER'S AFFIDAVIT. Every county treasurer shall, at the time for making such payments, file with the state treasurer an affidavit that ~~he or she~~ has returned and paid into the state treasury the amounts of state trust fund loans held by the county, state taxes and state special charges required by ~~subsection sub. (1)~~, specifying the amount remitted on each; ~~and if. If any county treasurer shall fail fails~~ to make and file ~~such this~~ affidavit and pay into the state treasury the amounts ~~so~~ required ~~he or she~~

shall, in addition to other penalties prescribed by law, forfeit \$1,000 which shall be collected for the benefit of the state upon the official bond of ~~such~~ the treasurer.

SECTION 505b. 77.52 (2) (a) 9 of the statutes is amended to read:

77.52 (2) (a) 9. Parking or providing parking space for motor vehicles and aircraft for a consideration and docking or providing storage space for boats for a consideration, ~~except when provided by a governmental unit.~~

SECTION 505d. 77.58 (2) (a) of the statutes is repealed.

SECTION 505h. 77.59 (2) of the statutes is amended to read:

77.59 (2) The department may, by field audit, determine the tax required to be paid to the state or the refund due to any person ~~pursuant to~~ under this subchapter. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information ~~within~~ in the department's possession. The department ~~is authorized to~~ may examine and inspect the books, records, memoranda, and property of any person in order to verify the tax liability of that person or of another person. The department ~~is authorized to~~ may subpoena any person to give testimony under oath before it and to ~~require such person to~~ produce whatever books, records or memoranda are necessary in order to enable the department to verify the tax liability of ~~such~~ that person or of another person. The determination shall be presumed to be correct and the burden of proving it to be incorrect shall be upon the person challenging ~~the~~ its correctness ~~thereof~~. A determination by the department ~~pursuant to~~ in a field audit becomes final at the expiration of the appeal periods ~~hereinafter~~ provided in sub. (6), and the tax liability of the taxpayer for the period audited may not be subsequently adjusted, except as provided in sub. (8). If the taxpayer files or is required to file more than one return for the taxpayer's fiscal year or for a calendar year, the determination made by field audit for that fiscal or calendar year shall be based on the receipts, purchases, deductions and exemptions for the entire fiscal or calendar year.

SECTION 505p. 77.59 (3) (intro.) of the statutes is amended to read:

77.59 (3) (intro.) No determination of the tax liability of a person may be made unless written notice of ~~such~~ the determination is given to the taxpayer within 4 years ~~of~~ after the due date of the ~~annual information return or within 4 years of the date the annual information return was filed with the department~~ taxpayer's Wisconsin income or franchise tax return or, if exempt, within 4 years of the 15th day of the 4th month of the year following the close of the calendar or fiscal year, or within 4 years of the date any sales and use tax return required to be filed for any period in that year was filed, whichever is later. The notice required ~~herein~~ under this paragraph shall specify whether the determination is an office audit determination or a field audit determination, and it shall be served personally or by registered or certified mail. If the department is unable to obtain personal service or service by registered or certified mail, publication ~~thereof~~ of it as a class 3 notice, under ch. 985, shall ~~constitute~~ be service of notice in any case where notice is required under this subchapter.

SECTION 505t. 77.59 (4) (intro.) of the statutes is amended to read:

77.59 (4) (intro.) At any time within 4 years after the due date of the ~~annual information return~~ taxpayer's Wisconsin income or franchise tax return or, if exempt, within 4 years of the 15th day of the 4th month of the year following the close of the calendar or fiscal year, a person may, unless a determination by the department by office or field audit has been made, file with the department a claim for refund of taxes paid ~~by such person.~~ Such. The claim for refund shall be regarded as a request for determination. The determination thus requested shall be made by the department within one year after the claim for refund is received by it.

SECTION 506. 77.59 (6) (intro.) and (a) of the statutes are amended to read:

77.59 (6) (intro.) Except as provided in sub. (4) (a), a determination by the department is final unless, within ~~30~~ 60 days after receipt of the notice of ~~such~~ the determination, the taxpayer, or other person directly interested, petitions the department for a redetermination. In the case of notice served by publication, the ~~30-day~~ 60-day period commences with the last day of ~~such~~ the publication of the notice.

(a) Within 6 months of the receipt by the department of the petition for redetermination, the department shall notify the petitioner of its redetermination. ~~Such~~ The redetermination shall become final ~~30~~ 60 days after receipt by the petitioner of notice ~~thereof~~ of the redetermination unless, within that ~~30-day~~ 60-day period, the petitioner appeals the redetermination under par. (b).

SECTION 507. 77.59 (6) (c) of the statutes is created to read:

77.59 (6) (c) The department shall notify any person who files a petition for redetermination that the person may deposit the entire deficiency determination, including any penalty or interest, with the department when the petition is filed or at any time before the department makes its redetermination. Any deposited amount which is refunded shall bear interest at the rate of 9% per year during the time the funds were on deposit. A person may also pay any portion of a deficiency determination admitted to be correct and the payment shall be considered an admission of the validity of that portion of the deficiency determination and may not be recovered in an appeal or in any other action or proceeding.

SECTION 507e. 77.60 (1) of the statutes, as affected by chapter 110, laws of 1979, is renumbered 77.60 (1) (a) and amended to read:

77.60 (1) (a) ~~All~~ Except as provided in par. (b), unpaid taxes shall bear interest at the rate of 9% per year from the due date of the return until paid or deposited with the department, and all refunded taxes shall bear interest at 9% per year from the due date of the return until the first day of the month following the month in which ~~such~~ the taxes are refunded. An extension of time within which to file a return shall not ~~operate to~~ extend the due date of the return for purposes of interest computation.

SECTION 507m. 77.60 (1) (b) of the statutes is created to read:

77.60 (1) (b) Any unpaid taxes for a calendar year or a fiscal year resulting from a field audit shall bear interest at the rate of 9% per year from the due date of the taxpayer's Wisconsin income or franchise tax return for that calendar or fiscal year or, if exempt, from the 15th day of the 4th month of the year after the close of the calendar or fiscal year for which the taxes are due to the date on which the taxes are paid or, if unpaid, become delinquent, whichever is earlier.

SECTION 507s. 77.60 (6) of the statutes is amended to read:

77.60 (6) Any ~~retailer or other~~ person who fails ~~or refuses~~ to furnish any return required to be made, or who fails ~~or refuses~~ to furnish a ~~supplemental or annual return or any data~~ required by the department, is guilty of a misdemeanor.

SECTION 522b. 78.01 (1) of the statutes is amended to read:

78.01 (1) (title) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax of ~~7~~ 9 cents per gallon is imposed on all motor fuel sold, used or distributed in this state except as otherwise provided in this chapter. The motor fuel tax is to be computed and paid as provided in this chapter. Except as otherwise provided in this chapter, the wholesaler, as ~~hereinafter~~ defined in s. 78.08, shall collect from the purchaser and the purchaser shall pay to ~~such~~ the wholesaler the tax imposed by this section on each sale of motor fuel by ~~such~~ the wholesaler at the time of ~~such~~ the sale, irrespective of whether ~~such~~ the sale is for cash or on credit. In each subsequent sale or distribution of motor fuel on which the tax has been collected as ~~herein~~ provided in this subsection, the tax ~~so~~ collected shall be added to the selling price so that ~~said~~ the tax is paid ultimately by the user of ~~said~~ the motor fuel.

SECTION 522k. 78.12 (4) (b) of the statutes is amended to read:

78.12 (4) (b) The number of gallons thus obtained shall be multiplied by ~~seven one-hundredths~~ the amount provided in s. 78.01 (1) and the resulting figure ~~expressed in dollars~~ shall be the amount of the motor fuel tax for ~~such~~ the next preceding month.

SECTION 522p. 78.14 of the statutes is amended to read:

78.14 Tax paid is public money. Every wholesaler who sells or distributes any motor fuel for any purpose in this state shall collect from the purchaser at the time of ~~such~~ the sale or distribution ~~7 9 cents per gallon on all such motor fuel sold or distributed, and any and all.~~ All sums so paid by the purchaser to the wholesaler as taxes upon such the motor fuel, upon which the tax imposed by this chapter has not theretofore been paid previously, are public money, the property of this state.

SECTION 522s. 78.40 (1) of the statutes, as affected by chapter 11, laws of 1979, is amended to read:

78.40 (1) (title) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax of ~~7 9~~ cents per gallon is imposed on the use, as defined in s. 78.44, of special fuel. The tax, with respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles in this state, attaches at the time of delivery and shall be collected by the dealer from the special fuel user and shall be paid to the department. The tax, with respect to special fuel acquired by any special fuel user other than by delivery by a special fuel dealer into a fuel supply tank of a motor vehicle, attaches at the time of the use of the fuel and shall be paid to the department by the user. The department may permit any supplier of special fuel to report and pay to the department the tax on special fuel delivered into the storage facility of a special fuel user which will be consumed for special fuel tax purposes.

SECTION 522y. 78.49 (3) of the statutes is amended to read:

78.49 (3) COMPUTATION OF TAX. Each special fuel licensee at the time of making the monthly report shall compute and pay to the public depository if one has been designated ~~pursuant to under~~ s. 78.84, but otherwise directly to the department, the full amount of the special fuel tax for the next preceding month, ~~which.~~ The amount of the special fuel tax shall be computed as follows: the number of gallons of special fuel delivered or placed by such the special fuel licensee into the fuel supply tanks of motor vehicles shall be multiplied by seven one hundredths the amount provided in s. 78.40 (1) and the resulting figure expressed in dollars shall be the amount of the special fuel tax for the next preceding month.

SECTION 522zg. 78.75 (title) and (1) (a) of the statutes are amended to read:

78.75 (title) Refund; procedure; claim unassignable. (1) (a) Any 1. Except as provided under subd. 2, a person who consumes uses motor fuel or special fuel, upon which has been paid the tax required under this chapter, for the purpose of operating a taxicab for the transportation of passengers or for any purpose other than operating a motor vehicle, except a taxicab, upon the public highways, shall be reimbursed and repaid the amount of the tax so paid upon making and filing a claim with the department.

3. Claims under subd. 1 shall be made and filed upon forms prescribed and furnished by the department. The forms shall indicate that refunds are not available for gas used for snowmobiles and that the estimated snowmobile gas tax payments are used for snowmobile trails and areas. The department shall distribute forms in sufficient quantities to each county clerk.

SECTION 522zr. 78.75 (1) (a) 2 of the statutes is created to read:

78.75 (1) (a) 2. A person who uses motor fuel or special fuel upon which has been paid the tax required under this chapter for the purpose of operating a snowmobile, as defined under s. 350.01 (58a), may not be reimbursed or repaid the amount of tax paid.

SECTION 523e. 79.01 (1) of the statutes is repealed.

SECTION 523m. 79.02 (2) (a) of the statutes is repealed.

SECTION 523s. 79.02 (2) (b) of the statutes is amended to read:

79.02 (2) (b) For purposes of ~~pars. (a) and par. (am)~~, the "preliminary distribution per capita factor" means for the 1976 distribution \$40, and thereafter, the lesser of the product of the 1976 population of the state times \$40 divided by the population of the state in the previous year, or \$40.

SECTION 523u. 79.03 (2) (b) 3 of the statutes is amended to read:

79.03 (2) (b) 3. For the 1984 distribution and thereafter, the total amount distributed under s. 70.966 ~~(2)~~ (1m) (b) in 1983 divided by the population of the state in the current year, plus the amount determined under subd. 2.

SECTION 523v. 79.03 (3) (b) 5 of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

79.03 (3) (b) 5. "Standardized valuation" means the product of ~~\$30,000~~ \$31,000 times the population of a municipality or a county in the preceding year.

SECTION 524g. 79.03 (4) (a) and (b) of the statutes are repealed.

SECTION 524m. 79.03 (4) (c), as affected by chapters 1 and 34, laws of 1979, and (d) of the statutes are amended to read:

79.03 (4) (c) Except as provided in par. (f), beginning in 1979, the amount entered into the shared revenue account for total distributions under this subchapter shall increase over the amount entered for the prior year, excluding the amount transferred from the appropriation under s. 20.835 (2) (b) under s. 79.16, by the same rate as the actual rate of annual increase in the amount of general fund tax revenue collected by the state in the fiscal year ending during the calendar year of the distribution under this section, but not more than 12% or less than 5%. The total amount paid to municipalities and counties in 1983 under ss. 70.996 and ~~79.17 (7)~~ 79.16 (3) (c) shall be considered as part of the prior year base amount for the purpose of computing the calendar year 1984 distribution under this paragraph.

(d) To maintain comparability for the purpose of computing the actual rate of annual increase in ~~pars. (b) 1 and par. (c)~~, adjustments shall be made to reflect reclassification of tax revenues as ~~between~~ among state general fund tax revenues and program revenue, segregated revenue and local tax revenue appropriated under s. 20.835 (4). If a tax, or part thereof, is included in state general fund tax revenue in the most recent fiscal year, ~~such the tax, or corresponding part thereof~~, shall also be included in state general fund tax revenue for the prior fiscal year. If a tax, or part thereof, is not included in state general fund tax revenue in the most recent fiscal year because of any reclassification, ~~such the tax, or corresponding part thereof~~, shall be excluded from state general fund tax revenue for the prior fiscal year.

SECTION 524s. 79.05 of the statutes is created to read:

79.05 Municipal and county guarantee payments. (1) If the combined payments to any municipality under ~~ss. 79.02 and 79.03~~ 79.03 in 1981 are less than the combined payments ~~under ss. 79.02, 79.03 and 79.06, 1973 stats.,~~ under ss. 79.03 and 79.06, 1973 stats., in 1975, that municipality shall receive a payment from the appropriation under s. 20.835 (1) (c) equal to its proportion of the sum of the decreases in payments to municipalities and of the decreases in payments to counties as determined under sub. (3), except that the payment under this subsection shall not exceed 100% of the decrease in 1981. **Vetoed in Part**

(2) If a municipality is formed in 1976 or thereafter, for the purposes of the computation in sub. (1), the 1975 payment shall be considered to be divided between the new municipality and the municipality from which it was formed according to the proportion that the full value of the new municipality and the municipality from which it was formed bear to each other in the first year of assessment of the new municipality.

(3) If the average local purpose revenues, as defined in s. 79.03 (3) (b) 2, of a county in 1979 exceed its average local purpose revenues in 1976, and if the combined payments to the county under ss. 79.02 and 79.03 in 1981 are less than the combined payments to the county under ss. 79.02 and 79.03 in 1979, the county shall receive a payment from the appropriation under s. 20.835 (1) (c) equal to its proportion of the sum of the decreases in payments to all counties and of the decreases in payments to municipalities as determined under sub. (1), except that the payment under this subsection shall not exceed 100% of that decrease in 1981. No payment may be made to a county under this subsection in any year in which the full valuation of the county, as defined in s. 79.03 (3) (b) 3, equals or exceeds the standardized valuation of the county, as defined s. 79.03 (3) (b) 5.

Vetoed in Part (4) If the combined payments to any municipality or county under ss. 79.02 and 79.03 in 1981 are less than the combined payments under ss. 79.02 and 79.03 that would be received in 1981 if the standard valuation, as defined by s. 79.03 (3) (b) 5, were equal to the product of \$30,000 times the population of the municipality or county in the preceding year, that municipality or county shall receive a payment from the appropriation under s. 20.835 (1) (d) equal to its proportion of the sum of the decrease in payments to municipalities and counties under this subsection, except that the payment under this subsection shall not exceed 100% of the decrease.

SECTION 526z. 79.06 (2) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

79.06 (2) If the combined payments to any municipality under ss. 79.02 and 79.03 in 1980 are less than the combined payments under ss. 79.02 and 79.03 and s. 79.06, 1975 stats., 1973 stats., in 1975, each such municipality shall receive a payment from the appropriation under s. 20.835 (1) (bb) equal to its proportion of the sum of such decreases in payments to municipalities and of the decreases in payments to counties as determined under sub. (4), except that the payment under this subsection shall not exceed 100% of such decrease.

SECTION 527. 84.01 (17) of the statutes is amended to read:

84.01 (17) (title) IMPROVEMENTS FOR NEXT 6 YEARS. ~~The~~ In each odd-numbered year, the department shall annually determine, as far as possible, what improvements and maintenance will be made during the following fiscal year 6-year period, and shall notify the county clerks prior to May 1 November 1 of each odd-numbered year, as to the improvements and maintenance in their respective counties. Such notice shall also be given to the department of natural resources and to the board of soil and water conservation districts.

SECTION 527em. 84.02 (4) (f) of the statutes is created to read:

84.02 (4) (f) The department shall adopt a manual establishing a uniform system of signs, signals, markings and devices for the purpose of regulating, warning or guiding bicycle traffic on highways, streets and bikeways, as defined in s. 84.60 (1) (a). The system, shall be consistent with and shall conform to the system established under par. (e).

SECTION 527er. 85.023 of the statutes is created to read:

85.023 Planning for bicycle facilities. The department shall assist any regional or municipal agency or commission in the planning, promotion and development of bikeways as defined in s. 84.60 (1) (a). The department shall draft model local zoning ordinances for the planning, promotion and development of bikeways and bicycle racks.

SECTION 527es. 85.025 of the statutes is created to read:

Vetoed in Part **85.025 Ranking highway and bridge projects.** The department shall adopt by rule criteria for selecting, evaluating and ranking all highway and bridge projects which are constructed from the appropriations under s. 20.395 (3) (bq), (bv), (bx), (cq), (cv), (cx), (dq), (dv) or (dx).

~~SECTION 527et. 85.075 of the statutes is created to read:~~

~~85.075 Ride-sharing planning and technical assistance program. (1) DEFINITIONS. In this section, "ride-sharing" means the use of a single motor vehicle by 2 or more persons for the purpose of commuting to and from their place of employment. "Ride-sharing" includes commuting to and from a place of employment by means of a car pool, van pool or bus pool, but does not include commuting to and from a place of employment in the vehicle of a common motor carrier under s. 194.01 (5).~~ **Vetoed in Part**

~~(2) ADMINISTRATION. The department shall administer a ride-sharing planning and technical assistance program to assist regional and local transportation planning agencies and public and private organizations in the development of ride-sharing programs and the integration of ride-sharing programs into the overall traffic management plan and mass transit plan for each area of this state. The department shall:~~

~~(a) Survey existing ride-sharing programs in the state to determine the extent of ride-sharing in this state, the potential for expanding ride-sharing in this state and the means of improving existing ride-sharing programs.~~

~~(b) Collect, maintain and disseminate in this state technical information on ride-sharing.~~

~~(c) Develop model computer matching systems and manual matching systems, including computer programs and forms, to be made available without charge to regional and local transportation and planning agencies and to public and private organizations in this state. The matching systems shall include procedures and recommendations for protecting the security of personal information contained in the matching system.~~

~~(d) Prepare promotional and educational materials on ride-sharing, including, but not limited to, reports, pamphlets, advertising copy, handbooks, course outlines and classroom materials.~~

~~(e) Conduct seminars on ride-sharing as requested by public and private organizations.~~

~~(f) Provide technical assistance in ride-sharing planning to local transportation and planning agencies.~~

~~(g) Provide technical assistance in establishing ride-sharing programs to public and private organizations.~~

~~(h) Contract with public or private organizations to operate ride-sharing matching systems for public ride-sharing programs.~~

~~(i) Annually in January, submit a report to the presiding officer of each house of the legislature on the status of the ride-sharing programs throughout the state. The report shall include an estimate of energy savings by region due to the programs for the year preceding the report, a projection of energy savings by region for the year following the report and a list of each program which the department has helped implement and its location. Each presiding officer shall refer the report to a standing committee.~~

~~(j) Exercise all powers necessary to implement this section.~~

~~(3) PREFERENTIAL PARKING. The legislature, the courts, all constitutional offices, departments and independent agencies, all cities, villages, towns, counties, school districts and vocational, technical and adult education districts which provide employe parking shall provide preferential parking for vehicles used for employe ride-sharing. "Preferential parking" includes assigned parking spaces close to designated entrances and exits of the place of employment.~~ **Vetoed in Part**

SECTION 527m. 85.08 (4) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

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85.08 (4) (title) RAIL FERRY AND RAIL COMMUTER TRANSPORTATION AIDS. The department shall administer a program of financial assistance for the purpose of matching federal moneys made available to the state for assisting continuance or restoration or operation of Lake Michigan rail and car ferry services and rail commuter services. The department shall maximize the use of such available federal aids to assist in preserving rail ferry service and rail commuter services wherever feasible and appropriate.

SECTION 528r. 85.095 (1) (b) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

85.095 (1) (b) "Harbor improvements" means any dock wall repair and maintenance, construction of new dock walls dredging of materials from a harbor or the placement of dredged materials in containment facilities.

SECTION 528v. 85.095 (2) (a), (b) and (d) of the statutes, as created by chapter 34, laws of 1979, are amended to read:

85.095 (2) (a) To make grants for the purpose of reimbursing eligible applicants for moneys expended to make harbor improvements and to fund other harbor assistance and improvement projects. The amount of a grant may not exceed 80% of the moneys expended by the eligible applicant for harbor improvements.

Vetoed in Part (b) To establish criteria for evaluating applications for harbor assistance grants in order to provide for the disbursement of grants by July 1, 1980. In establishing these criteria, the department shall consult with the department of business development and shall give priority to applicants based on the amount of tonnage and water born transportation handled in the harbor.

(d) To direct, with the approval of the governor, that state debt subject to the limitations in s. 20.866 (2) (uv) be contracted in accordance with ch. 18 to fund harbor improvements and other harbor assistance and improvement projects.

~~SECTION 529b. 86.195 of the statutes is created to read:~~

Vetoed in Part ~~86.195 Specific information signs. (1) DEFINITIONS. Unless defined differently in this section, the terms used in this section are defined in accordance with the manual of uniform traffic control devices adopted by the department under s. 84.02 (4) (c). In this section.~~

~~(a) "Business sign" means a separately attached sign mounted on a rectangular sign panel and showing the name of a motorist service available on a crossroad.~~

~~(b) "Department" means the department of transportation.~~

~~(c) "Licensed sign contractor" means a person licensed by the department under s. 84.30 (10).~~

~~(d) "Motorist service" means a business which qualifies as a motorist service under sub. (3).~~

~~(e) "Specific information sign" means a rectangular sign panel which displays:~~

- ~~1. One or more of the words "GAS", "FOOD", "LODGING" and "CAMPING";~~
- ~~2. Directional information; and~~
- ~~3. One or more business signs.~~

~~(f) "Zoned commercial or industrial area" means an area which is zoned for business, industry, commerce or trade under a state or local zoning ordinance or regulation.~~

~~(2) SIGNS AND FEES. (a) Upon the request of any person, the department may authorize the erection and maintenance of a specific information sign within the right-of-way of a federal-aid primary highway by a licensed sign contractor, subject to the following restrictions:~~

- ~~1. No specific information sign may be erected within any city or village.~~

~~2. No specific information sign may be erected to identify any motorist service located within the limits of any zoned commercial or industrial area.~~

Vetoed
in Part

~~(b) Upon the request of any person, the department may authorize the installation and maintenance of a business sign on an existing specific information sign by a licensed sign contractor.~~

~~(c) A person who requests the erection or installation of a sign under par. (a) or (b) shall pay to the department an annual permit fee of \$40 to cover administrative costs and the cost of inspection of the signs erected or installed under this section. In addition, the person requesting a sign under par. (a) or (b) shall pay a fee to the licensed sign contractor for the manufacture, installation and maintenance of the business sign and the specific information sign.~~

~~(d) The department shall contract with licensed sign contractors for the erection, installation and maintenance of signs under this section. The department shall establish transportation districts throughout the state and shall contract with only one licensed sign contractor for the erection, installation and maintenance of all signs erected or installed under this section in the transportation district in which the licensed sign contractor is headquartered. The department shall issue contract under this section for a period of not less than 5 years to a licensed sign contractor on the basis of qualified bids. The department may require the contractor to provide liability insurance for purposes of this section.~~

~~(3) MOTORIST SERVICES. Specific information signs may only include business signs for the following categories of motorist services: "GAS", "FOOD", "LODGING" and "CAMPING". To qualify for display on a specific information sign a business must meet the following standards for the respective category of motorist service:~~

~~(a) "GAS" shall have:~~

- ~~1. Vehicle services including fuel, oil, tire repair and water;~~
- ~~2. Restroom facilities and drinking water;~~
- ~~3. Continuous operation of at least 16 hours a day, 7 days a week for freeways and expressways, and continuous operation of at least 12 hours a day, 7 days a week for other highways, provided automotive fuel is available under the energy fuel allocation program established under P.L. 93-157, and~~
- ~~4. Public telephone.~~

~~(b) "FOOD" shall have:~~

- ~~1. Licensing or approval, where required;~~
- ~~2. Regular operation at least 5 days a week for a total of at least 40 hours a week; and~~
- ~~3. Public telephone.~~

~~(c) "LODGING" shall have:~~

- ~~1. Licensing or approval, where required;~~
- ~~2. Adequate sleeping accommodations; and~~
- ~~3. Public telephone.~~

Vetoed
in Part

~~(d) "CAMPING" shall have:~~

- ~~1. Licensing or approval, where required;~~
- ~~2. Adequate parking accommodations; and~~
- ~~3. Modern sanitary facilities and drinking water.~~

~~(4) LOCATION. (a) Specific information signs shall be located so as to take advantage of natural terrain, to have the least impact on the scenic environment and to avoid visual conflict with other signs within the highway right-of-way.~~

Vetoed in Part (b) The relative location of successive specific information signs near a particular intersection shall be in the following order, as seen by the traveling public: "CAMPING", "LODGING", "FOOD" and "GAS".

(5) CRITERIA. (a) *Distance to services.* 1. Except as provided in subd. 2, a motorist service may not be located more than 3 miles from the federal-aid primary highway on which the specific information sign for the motorist service is erected.

2. If no business in the category of motorist service is available within the 3-mile limit, the limit in subd. 1 may be extended in 3-mile increments to a maximum distance of 15 miles from the federal-aid primary highway until a business in the category of motorist service is reached.

(b) *Number of signs permitted.* No more than one specific information sign for each category of motorist service may be erected along an approach to an interchange or intersection. The specific information sign for "GAS" may contain no more than 6 business signs. The specific information sign for "FOOD", "LODGING" or "CAMPING" may contain no more than 4 business signs.

(c) *Conformity with discrimination laws.* Each business identified as a motorist service on a specific information sign shall, as a condition of eligibility for erection, installation and maintenance of a sign under this section, give written assurance to the department that the business conforms with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, sex or national origin.

(6) COMPOSITION. (a) Specific information signs and business signs shall have a blue reflectorized background with a white reflectorized border and white reflectorized legend. Sign panels may be illuminated.

(b) The design, lettering, spacing and size of specific information signs and business signs shall conform with the federal standards on specific information signs adopted under 23 USC 131 (f) on the effective date of this act (1979) and with the manual of uniform traffic control devices adopted by the department under s. 84.02 (4) (e).

(7) EXIT RAMP SIGNS. If motorist services are not visible from the ramp terminal at single exit interchanges on freeways and expressways, specific information signs shall be installed along the ramp or at the ramp terminal and may be provided along the crossroad.

(8) SEASONAL SERVICES. Any sign for a "LODGING" or "CAMPING" motorist service which is operated on a seasonal basis shall be removed or covered during off seasons. The cost of removal and replacement or covering and uncovering shall be included in the fee paid to the licensed sign contractor.

(9) SIGN REMOVAL. (a) A sign may be removed upon the following grounds:

1. Failure to comply with the applicable motor service standards of sub. (3).
2. Failure to comply with the assurance of nondiscrimination required by sub. (5) (c).
3. Failure to pay the permit fee or fees to the licensed sign contractor for the erection, installation or maintenance of a sign.

Vetoed in Part

(b) Contested cases concerning removals under this subsection shall be heard and decided by the transportation commission.

(c) Sign removal shall not affect a sign requestor's liability for unpaid fees.

SECTION 531b. 86.303 (4) of the statutes is repealed and recreated to read:

86.303 (4) (a) The cost factor used to determine the new formula amount for local units of government for fiscal year 1980-81 to fiscal year 1983-84 shall be based on a combination of 6 years of actual annual costs as reported under sub. (5) and average costs under sub. (3). In fiscal year 1980-81, the multiyear average shall be based on the actual cost data for calendar years 1978 and 1979 and 4 years of average costs under sub. (3). The multiyear average for each subsequent fiscal year shall be based on one additional

year of actual cost data and one less year of average cost data under sub. (3) until the multiyear average includes actual annual cost data for 6 years. In each fiscal year, the department may determine the cost factor under this paragraph by combining the data determined under subs. (3) and (5) in the proportion that the number of years for which each type of data is calculated bears to the total 6 years used to determine the cost factor.

(b) For fiscal year 1984-85 and thereafter, the multiyear average shall be based on the 6 most recent years for which complete actual annual cost data is available.

SECTION 531e. 86.32 (2) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

86.32 (2) (a) Cities of the 1st, 2nd and 3rd class shall be reimbursed for actual costs, as approved by the department, incurred in maintaining and operating swing and lift bridges. Documentation of costs shall be submitted by each municipality by January 31 and reimbursement shall be made by June 1 for costs incurred during the prior calendar year. If the amount appropriated under s. 20.395 (1) (au) is insufficient to pay the actual costs approved by the department for the maintenance and operation of swing and lift bridges, the department shall prorate the amount appropriated in the manner it deems desirable.

(b) Reimbursement for maintenance of connecting highways shall be determined annually as follows: ~~\$4,000~~ \$5,420 per lane mile for municipalities having a population over 500,000; ~~\$3,700~~ \$5,010 per lane mile for municipalities having a population of 150,001 to 500,000; ~~\$3,300~~ \$4,470 per lane mile for municipalities having a population of 35,001 to 150,000; ~~\$2,900~~ \$3,930 per lane mile for municipalities having a population of 10,000 to 35,000; and ~~\$2,500~~ \$3,390 per lane mile for municipalities having a population under 10,000. For the first 2 lanes of a highway, the applicable rate per lane mile shall be paid in full. For the 2nd 2 lanes of a highway, the payable rate per lane mile shall be 75% of the appropriate rate per lane mile prescribed in this section. For the 3rd 2 lanes, and any additional lanes, of highway, the payable rate per lane mile shall be 50% of the appropriate rate per lane mile prescribed in this section. For the purpose of this section, the term "lane miles" means miles of through traffic carrying lanes and does not include lanes on which parking is permitted. Lane miles on any section of connecting highway which have been certified by the department for payment purposes under this section shall not be increased unless they are needed for through traffic and approved by the department. The "lane miles" as of January 1, 1977, are the certified lane miles. The annual reimbursement shall be paid in 4 equal instalments on the first Monday in October, January and April and the last Monday in June. The amount appropriated under s. 20.395 (1) (as) shall be distributed according to the per lane mile rate established in this subsection as adjusted by the inflation rate determined under sub. (3). If the amount appropriated under s. 20.395 (1) (as) is insufficient to make the payments for lane mile reimbursement under this subsection and sub. (3), the department shall prorate the amount appropriated in the manner it deems desirable.

SECTION 531h. 86.32 (3) of the statutes, as affected by chapter 34, laws of 1979, is repealed and recreated to read:

86.32 (3) The per lane mile reimbursement rate established in sub. (2) shall be adjusted for fiscal year 1980-81 and annually thereafter to reflect the percentage of change attributed to the rate of inflation. For purposes of this subsection, the percentage attributable to inflation shall be the same percentage as the inflationary rate adjustment to the appropriation under s. 20.395 (3) (eq). The per lane mile reimbursement rate adjusted under this subsection shall be rounded to the nearest \$10 per lane mile.

SECTION 531m. 90.15 of the statutes is amended to read:

90.15 Fees of viewers; neglect of duty. ~~Each A fence viewer shall, for services rendered by him in accordance with this chapter, be entitled to the following fees: \$8 per day for the time he is so necessarily employed; for each mile actually and necessarily traveled in the~~

~~performance of any service required, 7 cents; 50 cents for serving any notice or other process upon each person named therein and 12 cents per folio for all writing required and actually done. Said is entitled to the following fees and expenses for services rendered under this chapter: daily employment, mileage, service of notice or process and folios written. The rate of pay for the fees and expenses shall be set by the viewer's city, village or town. The fees and expenses shall be paid equally by the parties to the controversy, equally, and if they, or any of them, neglect to pay the same within 30 days after the services have been are performed, each fence viewer may recover from delinquent parties jointly double the amount of such fees. Any the fees and expenses. A fence viewer who, when requested, unreasonably neglects to perform any duty required of him his or her duties shall forfeit \$5, and be liable to the party injured injured party for all damages consequent upon such neglect. In the performance of any duty required under this chapter fence. Fence viewers may administer oaths for purposes of this chapter.~~

SECTION 532. 91.19 (6m) of the statutes is created to read:

91.19 (6m) The department shall relinquish from a farmland preservation agreement any lands acquired by the state for the correctional institutions authorized under s. 46.05.

SECTION 532m. 92.04 (5) of the statutes is created to read:

92.04 (5) In carrying out its responsibilities under sub. (4), the board and its staff shall consider its responsibility for implementation of the nonpoint source pollution abatement grant program under s. 144.25 its highest priority responsibility.

SECTION 533. 93.07 (24) (intro.) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

93.07 (24) (intro.) ENFORCEMENT OF LAWS. To enforce ~~the provisions of chs. 93 to 100, except as provided by s. 100.30 (8)~~, and all other laws entrusted to its administration, and especially:

SECTION 534. 93.24 (6) of the statutes is renumbered 93.24 (6) (a) and amended to read:

93.24 (6) (a) ~~The~~ Unless the secretary of administration acts under par. (b), the state treasurer and the secretary of administration or their duly authorized representatives shall be in attendance at the state fair each year to receive all moneys collected on account of state operation of the state fair and to audit and pay expenditures duly certified by the state fair park board as having been necessarily incurred in the operation of the state fair.

SECTION 535. 93.24 (6) (b) of the statutes is created to read:

93.24 (6) (b) The secretary of administration may delegate an audit of claims against the state fair park board incurred in the operation of the state fair and may authorize the use of the contingent fund to pay these claims promptly.

SECTION 536. 93.24 (8) of the statutes is amended to read:

93.24 (8) ~~Of the receipts from the operation of the state fair park, not to exceed \$60,000 during the period one month preceding and one week after the annual state fair and \$25,000 at all other times may be deposited as~~ The state fair park board may maintain an imprest cash fund in an account in a Milwaukee or West Allis bank approved by the state treasurer depository selection board as a fund upon which to draw or obtain sufficient change for operation of the state fair and state fair park. Of the receipts from the operation of the state fair park, the state fair park board may deposit not more than the following amounts in the imprest cash fund:

(a) \$100,000 during the period from one month prior to the beginning until one week after the end of the state fair; and

(b) \$25,000 at all other times during the year.

SECTION 537m. 97.24 (5) of the statutes is amended to read:

97.24 (5) (title) INSPECTION AND CERTIFICATION FEES. (a) (title) *Generally.* The department shall collect uniform fees for inspecting the inspection and certification of grade A milk and milk products and grade A dairy farms and plants. ~~Such fees shall be paid annually by dairy~~

(b) (title) *Dairy plants.* Dairy plants which are under the continuous grade A inspection of the department, and shall be determined as follows shall pay the following inspection and certification fees annually:

1. (title) 'Plant fees.' ~~\$300~~ \$345 for each dairy plant ~~and \$30 for each milk producer from whom milk is received,~~ except that the plant fee ~~shall be \$200~~ is \$230 for each receiving station and each transfer station ~~and;~~

2. (title) 'Producer fees.' \$35 for each milk producer from whom milk is received, ~~except that the producer fee shall be~~ \$20 for each producer inspected at least once annually by an approved ~~fieldman~~ field person of the dairy plant under inspection procedure prescribed by the department.

(c) (title) *Producers.* A producer who does not sell or deliver milk to a dairy plant licensed under s. 97.20 shall pay the \$20 farm inspection fee on or before April 30 each year, unless the fee ~~has been~~ is paid by the out-of-state plant receiving the milk. A producer regularly pasteurizing and selling any milk to consumers at the farm, and who is not licensed as a dairy plant shall pay an additional equipment and product inspection fee of \$50 annually.

(d) (title) *Payment; partial fees.* Payment of inspection and certification fees shall be made at the time of license application or, if such inspection is requested during a license year, payment shall accompany such the request. When the period of inspection remaining in a license year is 6 months or less, one-half the fee shall be paid.

(e) (title) *Failure to pay fee.* The department shall revoke or deny the license of any dairy plant for which ~~such inspection and certification fees have~~ are not been paid when due.

SECTION 537r. 97.28 (9) of the statutes is created to read:

97.28 (9) The regulation of food processing plants involved in the manufacture, processing or sale of smoked fish within this state under uniform requirements is a matter of statewide concern. No municipality or county may impose restrictions or requirements on the manufacture, processing or sale of smoked fish which are inconsistent with the requirements of this section or rules promulgated by the department.

SECTION 537s. 100.21 of the statutes is created to read:

100.21 Substantiation of energy savings or safety claims; testing. (1) DEFINITIONS. In this section:

(a) "Dwelling unit" means a dwelling, as defined under s. 101.61, a manufactured building, as defined under s. 101.71 or a mobile home, as defined under s. 101.91.

(b) "Energy savings or safety claim" means an advertisement or representation that:

1. A product is safe or meets any standard or measure of safety; or
2. A product or a consumer product, as defined in s. 100.42 (1) (c):

- a. Increases fuel or electrical efficiency;
- b. Reduces heat loss;
- c. Reduces relative consumption of or expenditures for fuel or electricity; or
- d. Meets any standard or measure of performance under subd. 2. a to c.

(c) "Insulation" means any material primarily designed to resist heat flow in a dwelling unit. "Insulation" does not include pipe or duct insulation except for duct wrap.

(d) "Motor vehicle" has the meaning provided under s. 340.01 (35).

(e) "Person" means any manufacturer, distributor, installer or seller of any product.

(f) "Product" means:

1. Insulation.

2. Any system or device used in or around a dwelling unit for the heating of space or water or the generation of electricity, including any attachment or additive to the system or device. "Product" does not include any system, device, attachment or additive included in the original construction of a dwelling unit or in the sale or transfer of a dwelling unit.

3. Any fuel additive, including any motor vehicle fuel additive.

4. Any article used in a motor vehicle to promote fuel efficiency. "Product" does not include any original part or equipment in a motor vehicle as sold by the manufacturer or a licensed dealer or any substantially identical replacement part or equipment for the motor vehicle.

(g) " 'R' value" means the measure of resistance to heat flow through a material, computed as the reciprocal of the heat flow through a material expressed in British thermal units per hour per square foot per degree Fahrenheit at 75 degrees Fahrenheit mean temperature.

(2) REASONABLE BASIS FOR CLAIMS. (a) No person may make an energy savings or safety claim without a reasonable and currently accepted scientific basis for the claim when the claim is made. Making an energy savings or safety claim without a reasonable and currently accepted scientific basis is an unfair method of competition and trade practice prohibited under s. 100.20.

(b) An energy savings or safety claim made by a person other than a manufacturer does not violate par. (a) if the person relies in good faith on written materials distributed by the manufacturer and if the claim is limited to the representations in the materials. Any energy savings or safety claim made by a person other than a manufacturer, after the person is notified that no reasonable and currently accepted scientific basis for the claim has been submitted, is a violation of par. (a).

(3) SUBSTANTIATING THE CLAIM. (a) Any person making an energy savings or safety claim shall, upon written request by the department, submit information upon which the person relied to substantiate the claim. The department of justice may request the department to issue a written request under this paragraph for information to substantiate an energy savings or safety claim. Failure to submit information requested under this subsection is a violation of sub. (2) (a).

(b) The department shall make available to any person any information submitted under this subsection unless protected from disclosure by state or federal law.

(4) DEPARTMENT POWERS. (a) The department may, after public hearing, issue general or special orders under s. 100.20:

1. Prohibiting any energy savings or safety claim that violates sub. (2);

2. Regulating the manner in which the energy savings or safety claim is made, including requiring accompanying disclosures to prevent unfairness or deception;

3. Prescribing any test method or other reasonable criteria by which the adequacy of the basis for any energy savings or safety claim is determined; or

4. Requiring corrective advertising to correct a violation of sub. (2).

**Vetoed
in Part** (b) The department may make inspections under s. 93.15, obtain samples for inspection and testing under s. 93.08 and conduct investigations and preliminary investigations under s. 93.06 (9) or 93.16 to ensure compliance with this section.

(c) The department shall cooperate with all other state agencies in the administration of this section, as provided in s. 20.901.

~~(5) PRODUCT TESTING. (a) From the appropriation under s. 20.115 (1) (c), the department shall establish an energy efficiency testing laboratory.~~

Vetoed
in Part

~~(b) The department shall test insulation offered for sale in this state to determine its 'R' value, safety and flammability. The department shall test other products, including consumer products as defined in s. 100.42 (1) (c), to determine compliance with this section and ss. 100.18, 100.20 and 100.42. The department may contract with any person to test any product, subject to departmental supervision.~~

~~(c) The department may test the energy efficiency of products available for sale elsewhere and may charge a reasonable fee to finance the testing.~~

(6) RULE MAKING. The department shall adopt rules that set standards which determine if a reasonable and currently accepted scientific basis exists for an energy savings or safety claim under sub. (2). Adoption of rules is not a prerequisite to enforcement of this section. To the extent feasible, the department shall incorporate nationally recognized standards into the rules.

SECTION 538c. 100.30 (2) (a) of the statutes, as created by chapter 34, laws of 1979, is repealed.

SECTION 538e. 100.30 (2) (c) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

100.30 (2) (c) "Cost to wholesaler" means the invoice cost of the merchandise to the wholesaler within 30 days prior to the date of sale, or the replacement cost of the merchandise to the wholesaler, whichever is lower, less all trade discounts except customary discounts for cash, plus any excise taxes imposed on the sale thereof prior to the sale at retail, and any cost incurred for transportation and any other charges not otherwise included in the invoice cost or the replacement cost of the merchandise as herein set forth, to which shall be added, except for sales at wholesale between wholesalers, a markup to cover a proportionate part of the cost of doing business, which markup, in the absence of proof of a lesser cost, shall be 3% of the cost to the wholesaler as herein set forth.

SECTION 538g. 100.30 (2) (d) of the statutes, as created by chapter 34, laws of 1979, is repealed.

SECTION 538i. 100.30 (5) (b) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

100.30 (5) (b) ~~The department of revenue may bring an action to enjoin violations of this section occurring in a sale of cigarettes.~~ The department may bring an action to enjoin any other violations of this section. An action under this paragraph may be commenced and prosecuted by the ~~department of revenue or department~~ in the name of the state in any circuit court, either in the county where the offense occurred or in Dane county, without being compelled to allege or prove that an adequate remedy at law does not exist.

SECTION 538m. 100.30 (7) of the statutes, as created by chapter 34, laws of 1979, is repealed.

SECTION 539. 100.30 (8) of the statutes, as created by chapter 34, laws of 1979, is repealed.

~~SECTION 539g. 100.42 (6) of the statutes is created to read:~~

~~100.42 (6) TESTING PRODUCTS. The department may test consumer products in the laboratory created under s. 100.21 (5) to ensure compliance with this section.~~

Vetoed
in Part

SECTION 539m. 101.025 of the statutes is created to read:

101.025 Ventilation requirements for public buildings and places of employment. (1) Notwithstanding s. 101.02 (1) and (15), any rule which requires the intake of outside air for ventilation in public buildings or places of employment shall establish minimum quantities of outside air that must be supplied based upon the type of occupancy, the number of occupants, areas with toxic or unusual contaminants and other pertinent criteria determined by the department. The department shall set standards where the mandatory intake of outside air may be waived. The department may waive the requirement for the intake of outside air where the owner has demonstrated that the resulting air quality is equivalent to that provided by outdoor air ventilation. The department may not waive the mandatory intake of outside air unless smoking is prohibited in the building or place of employment. In this subsection "smoking" means carrying any lighted tobacco product.

(2) In the case where the intake of outside air is waived, any person may file a written complaint with the department requesting the enforcement of ventilation requirements for the intake of outside air for a particular public building or place of employment. The complaints shall be processed in the same manner and be subject to the same procedures as provided in s. 101.02 (6) (e) to (i) and (8).

(3) The department may order the owner of any public building or place of employment which is the subject of a complaint under sub. (2) to comply with ventilation requirements adopted under sub. (1) unless the owner can verify, in writing, that the elimination of the provision for outside air in the structure in question does not impose a significant detriment to the employes or frequenters of the structure and that the health, safety and welfare of the occupants is preserved. Upon receipt of a written verification from the owner, the department shall conduct an investigation, and the department may issue an order to comply with ventilation requirements under sub. (1) if it finds that the health, safety and welfare of the employes or frequenters of the structure in question is best served by reinstating the ventilation requirements for that structure.

(4) For ventilation systems in public buildings and places of employment, the department shall adopt rules setting:

(a) A maximum rate of leakage allowable from outside air dampers when the dampers are closed.

(b) Maintenance standards for ventilation systems in public buildings and places of employment existing on the effective date of this act (1979).

SECTION 539r. 101.122 of the statutes is created to read:

101.122 Rental unit energy efficiency. (1) **DEFINITIONS.** In this section:

(a) "Dwelling unit" means a building or that part of a building which is used as a home or residence and which is furnished with natural gas, home heating fuel or electricity.

(b) "Energy conservation measure" means any measure which increases the energy efficiency of a rental unit, including, but not limited to, the installation of caulking, weatherstripping, insulation and storm windows.

(bd) "Home heating fuel" means number 2 heating oil, kerosene, butane or propane gas.

(c) "Inspector" means a person certified under sub. (2) (c).

(d) "Owner" means any person having a legal or equitable interest in a rental unit.

(e) "Rental unit" means any rented dwelling units. "Rental unit" does not include:

1. Any building containing up to 4 dwelling units, one of which is owner-occupied.
2. Any building constructed after December 1, 1978, which contains up to 2 dwelling units and which is less than 10 years old.

3. Any building constructed after April 15, 1976, which contains more than 2 dwelling units and which is less than 10 years old.

4. Any dwelling unit not rented at any time from November 1 to March 31.
- (em) "Thermal performance" means the gross heat loss from the building.
- (f) "Transfer" means a conveyance of an ownership interest in a rental unit by deed, land contract or judgment or conveyance of an interest in a lease in excess of one year. "Transfer" does not include a conveyance under chs. 851 to 879.

(2) DEPARTMENTAL DUTIES. The department shall:

(a) 1. No later than January 1, 1983, adopt rules which establish a code of minimum energy efficiency standards for rental units. The rules shall require installation of specified energy conservation measures. The present value benefits of each energy measure, in terms of saved energy over a 5-year period after installation, shall be less than the total present value cost of installing the measures.

2. In the rules adopted under this paragraph, the department may include a separate standard based on thermal performance.

(b) Adopt rules setting standards for inspections and certifications under sub. (4), including but not limited to prescription of a standard certificate form.

(c) Adopt rules for the certification, including provisions for suspension and revocation thereof, of inspectors for the purpose of inspecting rental units subject to any rule under this section. The rules shall include a maximum fee schedule for inspection and certification of rental units under sub. (4) by inspectors not employed by the department.

(d) Provide training, assistance and information services to any inspector or person seeking to be certified as an inspector under par. (c).

(e) Review the rules adopted under this section at least once every 5 years.

(f) Issue special orders which it deems necessary to secure compliance with this section and enforce the same by appropriate administrative and judicial proceedings.

(g) Hear petitions regarding the enforcement of rules and special orders under this section according to the procedure established under s. 101.02 (6) (e) to (i) and (8).

(3) DEPARTMENTAL POWERS. The department may:

(a) In rules adopted under sub. (2) (a), incorporate nationally recognized energy efficiency standards and vary standards according to:

1. Classes of energy use systems, including, but not limited to, building envelopes; heating, ventilating and air conditioning systems; lighting systems; appliances; and other fixtures which consume energy resources.

2. Climatic regions.

(b) Hold hearings on any matter relating to this section and issue subpoenas to compel the attendance of witnesses and the production of evidence at the hearings.

(4) CERTIFICATION. (a) The rules adopted under sub. (2) (a) shall take effect on the first day of the 24th month after adoption of the rules. After the rules take effect, except as provided under pars. (b) and (c), no owner may transfer a rental unit unless, within the previous 5 years, an inspector has inspected the unit and has issued a certificate stating that the unit satisfies applicable standards under sub. (2) (a) 1 or 2.

(b) The department or an inspector employed by the city, village or town within which a rental unit scheduled for demolition within 2 years is located may issue a written waiver of the requirements of par. (a). The waiver shall be conditioned on demolition of the rental unit within 2 years of the date of the waiver. If demolition does not take place within 2 years of the issuance of the waiver, the department or the city, village or town may do one or more of the following:

1. Order demolition of the rental unit no sooner than 90 days after the order.
2. Withdraw any certificate of occupancy.

3. Order energy conservation measures necessary to bring the rental unit into compliance with applicable standards under sub. (2) (a).

(c) The transferee of a rental unit may present a stipulation signed by the transferee and by the department or by the city, village or town within which the rental unit is located stating that the owner of the rental unit will bring the rental unit into compliance with the standards under sub. (2) (a) no later than one year after the date of the first transfer of the rental unit after the standards take effect under par. (a). The department, city, village or town signing the stipulation shall keep a copy of the stipulation and shall conduct an inspection of the rental unit no later than 180 days after the stipulated compliance date.

(5) INSPECTION. Any owner of a rental unit may request that an inspector inspect the owner's rental unit for the purpose of determining whether to issue a certificate under sub. (4). If an owner, after reasonable effort, is unable to procure an inspection, the department, within 14 days after receipt of a request by the owner shall perform the inspection and determine whether to issue a certificate. The department may establish a special fee under s. 101.19 (1) for an inspection under which it performs this subsection. If any inspector determines not to issue a certificate, the inspector shall specify in writing the energy conservation measures necessary to make the rental unit comply with applicable standards under sub. (2) (a).

(6) PROOF OF CERTIFICATION REQUIRED FOR RECORDATION. A register of deeds may not accept for recording any deed or other document of transfer of real estate which includes a rental unit unless the deed or document is accompanied by the certificate required under sub. (4) (a), a waiver under sub. (4) (b) or a stipulation under sub. (4) (c). A register of deeds is not required to record such certificate but shall file a waiver or stipulation.

(6m) REPORT TO LEGISLATURE. Annually, before March 1, the department shall submit a written report to the legislature on the impact of the requirements of this section.

(6r) MUNICIPAL CODES. After the effective date of the rules under sub. (4) (a), no city or village may enforce a code of minimum energy efficiency standards for rental units in the city or village unless the requirements of the code are at least as strict as the requirements of the code under sub. (2) (a).

(7) PENALTY. (a) *Inspectors*. Any inspector falsifying a certificate issued under sub. (4) shall have his or her certification revoked and may be required to forfeit not more than \$500 per dwelling unit in the rental unit for which the certificate is issued.

(b) *New owners*. Any person who offers documents evidencing transfer of ownership for recordation and who, with intent to evade the requirements of this section, falsely states under s. 706.05 (12) that the real property involved does not include a rental unit, may be required to forfeit not more than \$500 per dwelling unit in the rental unit being transferred.

(c) *Waiver*. Any person who fails to comply with the requirements of a waiver issued under sub. (4) (b) may be required to forfeit not more than \$500 per dwelling unit in the rental unit for which the waiver is issued.

(d) *Stipulation*. Any person who fails to comply with the requirements of a stipulation under sub. (4) (c) may be required to forfeit not more than \$500 per dwelling unit.

SECTION 539rm. 101.124 of the statutes is created to read:

101.124 Heated sidewalks prohibited. In this section "exterior pedestrian traffic surface" means any sidewalk, ramp, stair, stoop, step, entrance way, plaza or pedestrian bridge not fully enclosed within a building and "heated" means heated by electricity or energy derived from the combustion of fossil fuels, but not including the use of waste thermal energy. "Exterior pedestrian traffic surface" does not include any means of ingress and egress by the physically disabled required under s. 101.13 (2). No person may

construct a heated exterior pedestrian traffic surface. The department may not approve any plan under s. 101.12 which includes such heated surface. The department shall order any existing heated exterior pedestrian traffic surface in operation after the effective date of this act (1979) to be shut off. This section does not apply to any inpatient health care facility as defined in s. 140.85 (1).

SECTION 539st. 101.14 (2) (c) of the statutes is amended to read:

101.14 (2) (c) Such inspection, ~~except in cities of the 1st class,~~ shall be made at least once in 6 months in all of the territory served by such fire department, and not less than once in 3 months in such territory as the common council has designated or thereafter designates as within the fire limits or as a congested district subject to conflagration, and oftener as the chief of the fire department orders. Each 6-month period shall begin on January 1 and July 1, and each 3-month period on January 1, April 1, July 1 and October 1 of each year. ~~In cities of the 1st class such inspection shall be made not less than once in 4 months in each year throughout the entire city, and oftener as the chief of the fire department orders. Each such 4 month period shall begin on January 1, May 1 and September 1 of each year.~~

SECTION 539w. 101.19 (1) (i) of the statutes is created to read:

101.19 (1) (i) Inspecting and certifying rental units under s. 101.122 (4) and certifying and training inspectors under s. 101.122 (2) (c) and (d).

SECTION 540. 101.22 (4) (c) of the statutes is renumbered 101.22 (4) (d) and amended to read:

101.22 (4) (d) If the department finds probable cause to believe that any discrimination has been or is being committed in violation of this section, it may endeavor to eliminate such discrimination by conference, conciliation and persuasion. If the department determines that such conference, conciliation and persuasion has not eliminated the alleged discrimination, the department shall issue and serve a written notice of hearing, specifying the nature and acts of discrimination which appear to have been committed, and requiring the person named, in this section called the "respondent", to answer the complaint at a hearing before ~~the department~~ an examiner. The notice shall specify a time of hearing, not less than 10 days after service of the complaint, and a place of hearing within the county in which the act of discrimination is alleged to have occurred. The testimony at the hearing shall be recorded by the department. In all hearings ~~before an examiner~~, except those for determining probable cause, ~~before the department~~ the burden of proof ~~shall be~~ is on the party alleging discrimination. If, after the hearing, the ~~department~~ examiner finds by a fair preponderance of the evidence that the respondent has engaged in discrimination in violation of this section, the ~~department~~ examiner shall make written findings and ~~recommend order~~ such action by the respondent as will effectuate the purpose of this section ~~and~~. The department shall serve a certified copy of ~~its~~ the examiner's findings and ~~recommendations~~ order on the respondent and complainant ~~together with an order requiring the respondent to comply with the recommendations~~, the order to have the same force as other orders of the department and be enforced as provided in this section except that the enforcement of ~~such~~ the order ~~shall is~~ automatically ~~be~~ stayed upon the filing of a petition for review with the commission. If the ~~department~~ examiner finds that the respondent has not engaged in discrimination as alleged in the complaint, ~~it~~ the department shall serve a certified copy of ~~its~~ the examiner's findings on the complainant and the respondent together with an order dismissing the complaint. ~~Where~~ If the complaint is dismissed, costs in an amount not to exceed \$100 plus actual disbursements for the attendance of witnesses may be assessed against the department in the discretion of the department.

SECTION 541. 101.22 (4) (c) of the statutes is created to read:

101.22 (4) (c) The department shall employ such examiners as are necessary to hear and decide complaints of discrimination and to assist in the effective administration of this section. The examiners may make findings and orders under this section.

SECTION 542. 101.22 (4m) of the statutes is amended to read:

101.22 (4m) TESTING PROHIBITED. A person not having a bona fide intention to avail himself or herself of any rights under this section may not solicit offers, buy or lease from property owners or lessees or their agents, demand the services or facilities of any place of public accommodation, demand facilities or demand any employment for the sole purpose of securing evidence of a discriminatory practice. Any person who is found by the department an examiner under the hearing procedure provided in sub. (4) ~~(e)~~ (d) to have violated this subsection ~~shall be~~ is subject to the penalties prescribed under sub. (6), together with costs and disbursements as provided in sub. (4) ~~(e)~~ (d). Such finding is subject to review as provided in sub. (4p).

SECTION 543. 101.22 (4p) (a), (b) and (d) of the statutes are amended to read:

101.22 (4p) (a) Any respondent or complainant who is dissatisfied with the findings and ~~recommendations of the department~~ order of the examiner may file a written petition with the department for review by the commission of the findings and ~~recommendations order~~.

(b) The commission shall either reverse, modify, set aside or affirm ~~such the findings and recommendations order~~ in whole or in part, or direct the taking of additional evidence. Such action shall be based on a review of the evidence submitted. If the commission is satisfied that a respondent or complainant has been prejudiced because of exceptional delay in the receipt of a copy of any findings and ~~recommendations order~~ it may extend the time another 20 days for filing the petition with the department.

(d) If no petition is filed within 20 days from the date that a copy of the findings and ~~recommendations of the department~~ order of the examiner are mailed to the last-known address of the respondent and complainant, the findings and ~~recommendations order~~ shall be considered final.

SECTION 544. 101.223 (4) (a) of the statutes is amended to read:

101.223 (4) (a) The department shall receive and investigate complaints charging discrimination or discriminatory practices in particular cases, and publicize its findings with respect thereto. The department ~~shall have~~ has all powers provided under s. 111.36 with respect to the disposition of such complaints. The findings and ~~recommendations orders of the department~~ examiners may be reviewed as provided under s. 101.22 (4p).

SECTION 544g. 101.57 (1d) of the statutes is created to read:

101.57 (1d) A person may apply for a refund under sub. (1) for the design, construction, equipment and installation of an alcohol fuel production system only if the person's primary residence is in this state.

SECTION 544m. 101.57 (8) (a) of the statutes, as affected by chapters 34 and (Assembly Bill 636), laws of 1979, is amended to read:

101.57 (8) (a) "Renewable energy resource system" means a solar energy system, a waste conversion energy system ~~or~~, a wind energy system or an alcohol fuel production system, but does not include any equipment which would be present as part of a conventional energy system.

SECTION 544r. 101.57 (8) (e) to (g) of the statutes are created to read:

101.57 (8) (e) 1. "Alcohol fuel production system" means manufacturing equipment that produces for the owner's own use or for sale an alcohol fuel from raw materials other than coal or another nonrenewable fossil fuel and that makes effective use of the energy resource used to power the production.

2. "Manufacturing equipment" does not include materials, supplies, buildings or building components; nor does it include equipment, tools or implements used to service or maintain the production equipment; nor does it include pollution control equipment.

3. "Effective use of the energy resource" means that:

a. The principal energy resource used to power the production of the alcohol fuel is not a premium fuel; or

b. The principal energy resource used to power the production of the alcohol fuel is a premium fuel, all of the raw material is a waste and the average energy content of the alcohol fuel produced by the facility is greater than the average total energy content of the premium fuel used in the collection, handling, processing, transportation, storage and conversion to alcohol fuel of the waste; or

c. The principal energy resource used to power the production of the alcohol fuel is a premium fuel, part of the raw material is not a waste and the average energy content of the alcohol fuel produced by the facility is greater than the average energy content of the premium fuel used in the development or growing, collection, handling, processing, transportation, storage and conversion to alcohol fuel of the raw material.

(f) "Alcohol fuel" means methyl or ethyl alcohol that is used as a fuel either by itself or blended and injected or both with gasoline, kerosene, fuel oil, burner oil or diesel fuel oil.

(g) "Premium fuel" means gasoline, kerosene, fuel oil, burner oil and diesel fuel or any other nonrenewable fossil fuel, except coal.

SECTION 545. 101.63 (1) and (2) of the statutes are amended to read:

101.63 (1) Adopt rules which establish standards for the construction and inspection of one- and 2-family dwellings and components thereof. Where feasible, the standards used shall be those nationally recognized and shall apply to the dwelling and to its electrical, heating, ventilating, air conditioning and other systems, except including plumbing, as defined in s. 145.01 (1). No set of rules ~~shall~~ may be adopted which has not taken into account the conservation of energy in construction and maintenance of dwellings and the costs of specific code provisions to home buyers in relationship to the benefits derived from ~~such~~ the provisions.

(2) Adopt rules for the certification, including provisions for suspension and revocation thereof, of inspectors for the purpose of inspecting building construction, electrical wiring, heating, ventilating, air conditioning and other systems, except including plumbing, as defined in s. 145.01 (1), of one- and 2-family dwellings under sub. (1). Persons certified as inspectors may be employees of the department, a city, village, town, county or an independent inspection agency. The department may not adopt any rule which prohibits any city, village, town or county from licensing persons for performing work on a dwelling in which the licensed person has no legal or equitable interest.

SECTION 546. 101.63 (4) of the statutes is repealed.

~~SECTION 546c. 101.63 (10) of the statutes is created to read.~~

~~101.63 (10) Adopt rules for conspicuous and permanent display in all dwellings of a label which accurately identifies all inaccessible and permanent energy features in a dwelling, including but not limited to the amount, material, thermal resistance value and type of installed insulation and the location of vapor barriers.~~

Vetoed
in Part

SECTION 547. 101.73 (2) of the statutes is amended to read:

101.73 (2) Adopt rules for the examination of plans and specifications and for periodic in-plant and on-site inspections of manufacturing facilities, processes, fabrication, assembly and installation of manufactured buildings to ensure that examinations and inspections are made in compliance with the rules adopted for construction, electrical wiring, heating, ventilating, air conditioning and other systems under ~~this subchapter~~ ss. 101.70

**Vetoed
in Part** to 101.77 and with the rules for indoor plumbing adopted by the department of health and social services under ch. 145. ~~The department may not adopt any rule which prohibits any city, village, town or county from licensing persons for performing on-site installation work on a manufactured building in which the licensed person has no legal or equitable interest.~~

SECTION 548. 101.73 (4) of the statutes is repealed.

**Vetoed
in Part** SECTION 548m. 101.73 (13) of the statutes is created to read:
101.73 (13) Adopt rules for conspicuous and permanent display in all dwellings of a label which accurately identifies all inaccessible and permanent energy features in a dwelling, including but not limited to the amount, material, thermal resistance value and type of installed insulation and the location of vapor barriers.

SECTION 549. 101.92 (6) of the statutes is amended to read:

101.92 (6) May enter into reciprocal agreements with other states regarding the design, construction, inspection and labeling of mobile homes which are not required to be constructed in accordance with 42 USC 5401 to 5426 where the laws or rules of other states meet the intent of ss. 101.90 to 101.96 and where the laws or rules are actually enforced.

SECTION 551. 101.93 of the statutes is amended to read:

101.93 (title) Departmental powers and duties. (1) The department of health and social services, ~~in counsel with the department,~~ shall adopt rules relating to plumbing in the design and construction of mobile homes. ~~Such~~ The rules shall be consistent with s. 101.94 (1) ~~and (2) to (3)~~ and shall be reviewed annually.

(2) The department of health and social services, ~~in counsel with the department,~~ shall establish qualification requirements for and shall certify persons to perform inspections of the plumbing systems in mobile homes.

(3) The department of health and social services shall review plans and specifications for approval of plumbing systems in mobile homes.

SECTION 552. 101.94 (1) of the statutes is amended to read:

101.94 (1) Mobile homes manufactured, distributed, sold or offered for sale in this state shall conform to the code promulgated by the American national standards institute and identified as ANSI 119.1, including all ~~revision~~ revisions thereof in effect on August 28, 1973, and further revisions adopted by the department and the department of health and social services. The department may establish standards in addition to those required under ANSI 119.1. ~~This section~~ subsection applies to units manufactured or assembled after January 1, 1974, and prior to June 15, 1976.

SECTION 553. 101.94 (2) to (4) of the statutes are renumbered 101.94 (3) to (5).

SECTION 554. 101.94 (2) of the statutes is created to read:

101.94 (2) No person may manufacture, assemble, distribute or sell a mobile home on or after the effective date of this act (1979) unless the mobile home complies with 42 USC 5401 to 5426 as in effect on the effective date of this act (1979). The department may establish, by rule, standards for the safe and sanitary design and construction of mobile homes for the purpose of enforcement of this subchapter, and those standards may include standards in addition to any standards established by the secretary of housing and urban development under 42 USC 5401 to 5426.

SECTION 555. 101.94 (5) of the statutes is repealed.

SECTION 556. 101.94 (8) of the statutes is created to read:

101.94 (8) (a) A person who violates this subchapter or a rule or order issued under this subchapter shall forfeit not more than \$1,000 for each violation. Each violation of this subchapter constitutes a separate violation with respect to each mobile home or with

respect to each failure or refusal to allow or perform an act required by this subchapter, except the maximum forfeiture under this subsection may not exceed \$1,000,000 for a related series of violations occurring within one year of the first violation.

(b) Any individual or a director, officer or agent of a corporation who knowingly and wilfully violates this subchapter in a manner which threatens the health or safety of a purchaser shall be fined not more than \$1,000 or imprisoned not more than one year or both.

SECTION 557. 101.96 of the statutes is amended to read:

101.96 Advisory committee. The department shall appoint an advisory committee of 5 members to review the rules and standards for mobile homes and recommend changes. The committee shall be composed of 2 members representing the mobile home industry, 2 public members and one member from the department. The committee shall submit an annual report to the department and to the department of health and social services. The annual report shall include recommended changes in this subchapter reflecting amendments to 42 USC 5401 to 5426 and rules and regulations issued under 42 USC 5401 to 5426.

SECTION 558. 102.475 (8) (b) of the statutes is repealed and recreated to read:

102.475 (8) (b) "Correctional officer" means any person employed by the state or any political subdivision as a guard or officer whose principal duties are supervision and discipline of inmates at a penal institution, prison, jail, house of correction or other place of penal detention, including central state hospital.

SECTION 558m. 103.78 (1) (d) of the statutes is amended to read:

103.78 (1) (d) The employment or appearance shall ~~at no time~~ not be in a roadhouse, cabaret, dance hall, night club, tavern or other similar place. This prohibition does not apply to minors:

1. Minors presenting musical entertainment at dances held in any hall on Friday, Saturday or on any other day not followed by a school day or before midnight on Sunday, if the hall was rented for the purpose of celebrating a special event, including but not limited to a wedding, holiday, birthday or anniversary; ~~nor does it apply to dances.~~

2. Dances held solely for minors conducted by private clubs or civic organizations where admission is limited to the membership of the club or by their invitation and the general public is excluded.

3. Performances by minors in theatrical performances at dinner theaters.

SECTION 560m. 107.05 (6) of the statutes is created to read:

107.05 (6) MINING HEARING. If a hearing on the application for a permit is conducted as a part of a hearing under s. 144.836, the notice and hearing provisions in that section supersede the notice and hearing provisions of this section.

SECTION 560r. 108.02 (3) (a) of the statutes is amended to read:

108.02 (3) (a) "Employee" means any individual who is or has been performing services for an employing unit, in an employment, whether or not ~~he~~ the individual is paid directly by such employing unit; except as provided in par. (b) ~~or (e)~~. ~~If a contractor performing services for an employing unit is an employe under this subsection and not an employer subject to the contribution provisions of this chapter, a person employed by the contractor in fulfillment of his contract with the employing unit shall be considered the employe of the employing unit.~~

SECTION 560w. 108.02 (3) (e) of the statutes is created to read:

108.02 (3) (e) Paragraph (a) does not apply to a contractor who, in fulfillment of a contract with an employing unit, employs any individual in employment for which the contractor is subject to the contribution or reimbursement provisions of this chapter.

SECTION 564m. 108.09 (7) (b) of the statutes is amended to read:

108.09 (7) (b) Any judicial review under this chapter shall be confined to questions of law, and the provisions of ch. 102 with respect to judicial review of orders and awards shall likewise apply to any decision of the commission reviewed under this section. In any such judicial action, the commission may appear by any qualified licensed attorney who is a ~~regular~~ salaried employe of the ~~department~~ commission and has been designated by it for this purpose, or at the commission's request by the department of justice.

SECTION 566. 108.14 (3m) of the statutes is amended to read:

108.14 (3m) In any court action to enforce this chapter the ~~department~~, the commission and the state may be represented by any qualified licensed attorney who is a ~~regularly~~ salaried employe of the ~~department or the commission~~ and is designated by it for this purpose or at the ~~commission's~~ request of either of them by the department of justice. ~~In case~~ If the governor designates special counsel to defend, in behalf of the state, the validity of this chapter or of any provision of Title IX of the federal social security act, the expenses and compensation of ~~such the~~ special counsel and of any experts employed by the department in connection with ~~such that~~ that proceeding may be charged to the administration fund.

SECTION 566m. 110.07 (3) of the statutes is amended to read:

110.07 (3) The secretary may employ inspectors who ~~shall~~ may not wear the uniform of the state patrol, whose duties shall be to enforce and assist in administering chs. 110, 194, 218, 340 to 345 and 347 to 350 and the inspection requirements of ss. 346.96 and 346.97. Such inspectors, in the performance of these duties, shall have the powers and authority of state traffic officers. For the purpose of death, disability and retirement coverage, such inspectors shall be subject to subch. I of ch. 41 and s. 66.191 as is the state traffic patrol. The secretary may clothe and equip inspectors as the interest of public safety and their duties require.

SECTION 567. 111.33 (2) of the statutes is amended to read:

111.33 (2) This subchapter ~~shall apply~~ applies to each agency of the state except that complaints of discrimination against ~~such an~~ agency as an employer shall be filed with and processed by the personnel commission under s. 230.45 (1) (b). Decisions of the personnel commission shall be ~~are~~ subject to review under ch. 227, ~~except that a party may, within 30 days after service of the decision upon all parties, file a petition with the department to review the decision. Review by the department shall be based on the record. The scope of review shall be the same as judicial review under s. 227.20. Decisions of the department shall be reviewed under s. 111.36 (3m) except that the commission shall issue a decision on a review under this subsection within 90 days after the filing of the petition for review.~~

SECTION 568. 111.36 (3) (a) of the statutes is renumbered 111.36 (3) (b) and amended to read:

111.36 (3) (b) If the department finds probable cause to believe that any discrimination has been or is being committed, it may endeavor to eliminate the practice by conference, conciliation or persuasion. If the department does not eliminate the discrimination, the department shall issue and serve a written notice of hearing, specifying the nature of the discrimination which appears to have been committed, and requiring the person named, ~~hereinafter in this section~~ called the "respondent", to answer the complaint at a hearing before ~~the department~~ an examiner. The notice shall specify a time of hearing not less than 30 days after service of the complaint, and a place of hearing within either the county of the respondent's residence or the county in which the discrimination appears to have occurred. The testimony at the hearing shall be recorded or taken down by a reporter appointed by the department.

SECTION 569. 111.36 (3) (a) of the statutes is created to read:

111.36 (3) (a) The department shall employ such examiners as are necessary to hear and decide complaints of discrimination and to assist in the effective administration of this subchapter. The examiners may make findings and orders under this section.

SECTION 570. 111.36 (3) (b) and (c) of the statutes are renumbered 111.36 (3) (c) and (d), respectively, and amended to read:

111.36 (3) (c) If, after hearing, the ~~department~~ examiner finds that the respondent has engaged in discrimination, ~~it the examiner~~ shall make written findings and order such action by the respondent as will effectuate the purpose of this subchapter, with or without back pay. Back pay liability ~~shall~~ may not accrue from a date more than 2 years prior to the filing of a complaint with the department. Interim earnings or amounts earnable with reasonable diligence by the person discriminated against shall operate to reduce back pay otherwise allowable. Amounts received by the person discriminated against as unemployment benefits or welfare payments shall not reduce the back pay otherwise allowable, but shall be withheld from the person discriminated against and immediately paid to the unemployment reserve fund or, in the case of a welfare payment, to the welfare agency making such payment.

(d) The department shall serve a certified copy of the findings and order on the respondent, the order to have the same force as other orders of the department and be enforced as provided in ch. 101. Any person aggrieved by noncompliance with the order may have the ~~same order~~ order enforced specifically by suit in equity. If the ~~department~~ examiner finds that the respondent has not engaged in discrimination as alleged in the complaint, ~~it the department~~ shall serve a certified copy of ~~its the examiner's~~ findings on the complainant together with an order dismissing the complaint.

SECTION 571. 111.36 (3m) (a) and (b) of the statutes are amended to read:

111.36 (3m) (a) Any respondent or complainant who is dissatisfied with the findings and order of the ~~department~~ examiner may file a written petition with the department for review by the commission of the findings and order.

(b) If no petition is filed within 20 days from the date that a copy of the findings and order of the ~~department~~ examiner is mailed to the last-known address of the respondent the findings and order shall be considered final for purposes of enforcement under sub. (3) (d). If a timely petition is filed, the commission, on review, may either affirm, reverse or modify ~~such the~~ findings or order in whole or in part, or set aside the findings and order and remand to the department for further proceedings. Such actions shall be based on a review of the evidence submitted. If the commission is satisfied that a respondent or complainant has been prejudiced because of exceptional delay in the receipt of a copy of any findings and order it may extend the time another 20 days for filing the petition with the department.

SECTION 573. 111.91 (2) (c) of the statutes is renumbered 111.91 (2) (d).

SECTION 575. 111.91 (2) (c) of the statutes is created to read:

111.91 (2) (c) Disciplinary actions and position abandonments governed by s. 230.34 (1) (a), (am) and (ar), except as provided in those paragraphs.

SECTION 578. 114.065 of the statutes, as affected by chapters 32 and 110, laws of 1979, is repealed.

SECTION 579. 114.136 (1) (c) of the statutes is created to read:

114.136 (1) (c) As an alternative to the procedure for the appointment of members of the joint commission provided in par. (b), the governing bodies of the units of government which jointly own an airport site may by separate resolution of each governing body designate an existing subunit of any one of the governing bodies to act as the joint commission. In such case, the designated subunit shall elect a chairman and secretary, formulate a

tentative ordinance and hold public hearings as provided in sub. (2). No tentative ordinance formulated under this paragraph is effective unless it is adopted by all of the governing bodies of the units of government which jointly own the airport site.

SECTION 580. 114.136 (1) (d) of the statutes is created to read:

114.136 (1) (d) An ordinance adopted under par. (b) or (c) may be amended in the same manner as is provided for the adoption of the original ordinance in par. (b) or (c).

SECTION 581. 114.136 (2) (a) of the statutes is amended to read:

114.136 (2) (a) Except as provided by ~~subsection sub. (1) (b) or (c)~~ the county park commission in the case of any county, the city or village plan commission in the case of a city or village, or if there ~~be are~~ no such commissions, a committee of the governing body or bodies of the county, city, village or town which owns the airport site shall ~~first~~ formulate a tentative ordinance and hold a public hearing or hearings thereon in some public place within the county, city, village or town. Notice of the hearings shall be given by publication of a class 3 notice, under ch. 985, in the area affected by the proposed ordinance.

SECTION 583g. 114.33 (1), (2) and (3) of the statutes are amended to read:

114.33 (1) Any county, city, village or town, either singly or jointly with one or more counties, cities, villages or towns, desiring to sponsor an airport development project to be constructed with federal aid and state aid or with the state aid alone as provided by this chapter, may initiate such project in the manner provided by this section. The department may initiate and sponsor an airport project in the same manner as a local governing body. If the department initiates and sponsors an airport project, it shall hold a hearing in the area affected by the project. Notice of the hearing shall be given as provided in sub. (2). The department may install, operate and maintain air navigation facilities with or without federal aid and may enter into agreements with sponsors to share the maintenance and operation costs of such facilities.

(2) Such initiation shall be by a petition filed with the secretary of transportation by the governing body or bodies of the counties, cities, villages or towns desiring to sponsor the project, ~~or by the state agency or if the project is initiated and sponsored by the department by a statement by the secretary~~ setting forth among other things that the airport project is necessary and the reason therefor; the class of the airport that it is desired to develop, the location of the project in general, and the proposed site tentatively selected; the character, extent and kind of improvement desired under the project, evidence, in the form of a transcript, that the ~~petition~~ project has received a public hearing in the area affected before adoption by the petitioners, and any other statements that the petitioners or the department may desire to make. At least 10 days' notice of the public hearing shall be given by publication of a class 1 notice, under ch. 985, in the area affected. ~~On receipt of such petition there shall be an additional hearing in the matter by the secretary of transportation at some place convenient to the petitioners. At least 10 days' notice of the additional hearing shall be given to each petitioning governing body or state agency by registered mail addressed to the clerk thereof, and by publication of a class 1 notice, under ch. 985, in the area affected.~~

(3) ~~The~~ If the project has been sponsored by a local governing body or bodies, the secretary shall make ~~his a~~ finding within a reasonable time after ~~the hearing receipt of the petition.~~ If such finding is generally favorable to the development petitioned for, the secretary shall submit ~~his~~ the finding to the governor for approval and no finding favoring an airport development project shall be effective unless the governor's approval is ~~in-~~ endorsed thereon in writing. If ~~such~~ the finding is approved by the governor the secretary shall notify the petitioners to that effect by filing a copy of ~~his~~ the finding, which shall include among other things the location of the approved site, the character and extent of the improvements deemed necessary, and an approximate estimate of the costs and the amount to be paid by the sponsor. ~~Such~~ The finding shall constitute approval of

the airport site so specified as a portion of the state airport system. On receipt of ~~such the~~ finding the sponsors shall take action at their next meeting toward providing their share of the cost and shall promptly notify the secretary. The sponsors may proceed in accordance with the finding to acquire the site and to make master development plans and project plans, and shall be entitled to receive credit therefor as provided by federal law and by this chapter. On completion and approval of the plans a revised estimate of the project costs shall be made for the purposes of the project application.

SECTION 583r. 114.33 (3m) of the statutes is created to read:

114.33 (3m) If the project is initiated and sponsored by the department, the secretary shall submit the statement prepared under sub. (2) to the governor for approval as provided in sub. (3). After approval by the governor, the department may proceed with the project as provided in sub. (3).

SECTION 584m. 115.34 (2) of the statutes is amended to read:

115.34 (2) The department shall make payments to school districts and to private schools for school lunches served to children in the prior year as determined by the state superintendent from the appropriation under s. 20.255 (1) (fe). Payments to school districts and to private schools shall equal the state's matching obligation under ~~the national school lunch act, P.L. 79-396, as amended~~ 42 USC 1751 et seq. Payments in the current year shall be determined by prorating the state's matching obligation based on the number of school lunches served to children in the prior year. In this subsection, "private school" means any school defined in s. 121.51 (3) which complies with the requirements of 42 USC 2000d.

SECTION 584s. 115.81 (3), (6), (7) and (8) of the statutes are amended to read:

115.81 (3) CHANGE IN PROGRAM. A change in the program or status of a child with exceptional educational needs shall not be made within the period afforded the parent to request a hearing nor, if such hearing is requested, before the school board hearing officer issues a decision, unless a program change is made with the written consent of the parent. If the health or safety of the child or of other persons would be endangered by delaying the change in assignment, the change may be made earlier, upon order of the school board ~~hearing the case~~, but without prejudice to any rights that the child or parent may have.

(6) HEARING AND DECISION. ~~The school board shall direct a hearing officer to hold shall conduct a hearing within 60 days of appeal and to prepare promptly a recommended decision for the board. The board shall issue a decision based upon the hearing record, the hearing officer's recommendation and the recommendation of the multidisciplinary team within 30 45 days of the close receipt of the request for the hearing. If no decision is made by the school board within the 30-day period following the close of the hearing, the decision appealed from shall be deemed affirmed~~ The hearing officer may issue subpoenas, order an independent evaluation at public expense as provided under sub. (5) and grant specific extensions of time for cause, not to exceed 30 days, at the request of either party.

(7) APPEAL TO STATE SUPERINTENDENT. Within 30 days after the decision of the ~~school board, the parent hearing officer~~ under sub. (6), either party may appeal the decision to the state superintendent. An appeal under this subsection shall be initiated by filing a written request for review with the state superintendent. The request for review shall contain a brief statement of the grounds on which the review is requested and shall be served on all parties. The state superintendent shall review the record established at the hearing under sub. (6) and shall issue a written decision based upon the hearing record and the recommendation of the multidisciplinary team within 30 days of receipt of appeal. If no decision is made by the superintendent within the 30-day period following the receipt of the appeal, the decision appealed from shall be deemed affirmed.

(8) APPEAL TO COURT. Within 30 days after the decision of the state superintendent under sub. (7), the parent either party may appeal the decision to the circuit court for the county in which the child resides.

Vetoed in Part SECTION 585. 115.87 (3) of the statutes is amended to read:
115.87 (3) Tuition shall be charged for nonresidents admitted to special education programs in accordance with this section. For each part of a program, the tuition for a nonresident child shall be determined on the basis of costs, aids and children in such part for the preceding year by adding together the total cost of items reported under s. 115.88 (1), the actual cost of operation and maintenance not so reported and amounts expended as principal and interest on long-term indebtedness on those facilities used by such part of a program, by subtracting from such sum federal, state and county aids and then dividing this difference by the number of children in average daily membership.

SECTION 586. 115.88 (1) to (4) of the statutes, as affected by chapter 34, laws of 1979, are repealed and recreated to read:

115.88 (1) If, upon receipt of the report under s. 115.84, the state superintendent is satisfied that the special education program has been maintained during the preceding school year in accordance with law, the superintendent shall certify to the department of administration in favor of each county, cooperative educational service agency and school district maintaining such special education program a sum to be determined on the basis of the amounts expended by the county, agency or school district on allowable special education costs, as defined in sub. (2), in the prior school year for the provision of special education that are in excess of the amounts expended on comparable costs in the prior school year for the provision of nonspecial education. The department of administration shall pay such amounts to the county, agency and school district from the appropriation under s. 20.255 (1) (bd).

(2) In this section, "allowable special education costs" include:

(a) Salaries of personnel enumerated in s. 115.83 (1), including the salary portion of any authorized contract for physical or occupational therapy services, with the exception of the salaries of coordinators of special education, school social workers or school psychologists who have not attained the senior level.

(b) Costs related to the provision of special transportation for children with exceptional educational needs.

(c) Costs associated with special education, including specially designed books and specialized equipment, board and lodging and transportation costs, which have the prior approval of the state superintendent.

(3) Each county handicapped children's education board, cooperative educational service agency or school district operating a program under s. 66.30 shall allocate the amounts expended on allowable special education costs by the county, agency or school district among the school districts which enroll children with exceptional educational needs in such programs to determine the allowable special educational costs for each school district. The amounts expended on comparable costs for nonspecial education by each school district shall be determined by the school district for the purposes of computing aid under this section.

(4) Any tuition receipts expended on costs aided under this section shall be deducted from amounts expended on such costs before any calculation of state aid under this section.

Vetoed in Part SECTION 586e. 115.88 (5) and (6) of the statutes, as affected by chapter 34, laws of 1979, are repealed.

SECTION 587. 115.881 of the statutes, as affected by chapter 34, laws of 1979, is repealed.

SECTION 588. 115.895 of the statutes is repealed.

SECTION 589. Subchapter V of chapter 115 of the statutes, as affected by chapter 34, laws of 1979, is repealed.

SECTION 590. 118.01 (3) and (11) of the statutes are amended to read:

118.01 (3) **PHYSICAL EDUCATION.** Physical instruction and training in physical education shall be provided for all pupils. In 1- and 2-room schools such instruction and training shall may take the form of supervised playground work. In this subsection "physical education" means instruction in the theory and practice of physical exercise and instruction in hygiene, but does not include medical supervision. No person may be denied, on the basis of sex, necessary physical education facilities, equipment, instruction or financial support, or the opportunity to participate in any physical education activity, as provided in 20 U.S.C. USC 1681 et seq.

(11) **FAMILY AND CONSUMER EDUCATION.** Every public high school shall provide instruction, as part of one or more existing courses developed by the school district in which the school is located ~~and approved by the state superintendent~~, on the rights and responsibilities of the family and consumer, including, without limitation because of enumeration, the consumer and the economy; consumer behavior and decision-making; contracts; credit alternatives; budgeting and family finances, with emphasis on frugality and thrift; savings and investments; insurance; profit and loss; the responsibility and morality of family living; and other societal concerns for instilling qualities of integrity and fiscal competence in young persons during their formative family years in accord with sub. (5). At the option of the school district, such instruction may also be provided in a separate course.

SECTION 590g. 118.15 (3) (a) 2 of the statutes is amended to read:

118.15 (3) (a) 2. Any child who is excused by the school board because ~~he~~ the child is temporarily not in proper physical or mental condition to attend school or ~~his~~ the child's educational program under s. 115.85 (2), but who can be expected to return to his or her program upon termination of his or her illness or condition. The certificate of a ~~reputable licensed~~ reputable licensed physician, ~~reputable licensed~~ dentist, chiropractor, optometrist or psychologist or Christian Science practitioner living and residing in this state, who is listed in the Christian Science Journal, shall be sufficient proof of the physical or mental condition of the child and of the expectations for the child upon termination of ~~his~~ the child's illness or condition. An excuse under this subdivision shall be in writing and shall state the time period for which it is valid not to exceed 30 days.

SECTION 590r. 118.16 (1) of the statutes is amended to read:

118.16 (1) "Truancy" means any absence of one or more days from school during which the principal or teacher has not been notified in writing of the legal cause of such absence by the parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of s. 118.15. The only legal causes for absence are those specified in s. 118.15 (3) and (4). Upon request of the truant officer, a statement from the local health officer or nurse or attending physician, dentist, chiropractor or optometrist shall be submitted explaining the cause of the pupil's absence.

SECTION 590t. 118.25 (2) (a) of the statutes is amended to read:

118.25 (2) (a) As a condition of employment, the school board, except in ~~cities of the~~ 1st class cities, shall require a physical examination, including a chest X-ray or tuberculin test, of every school employe of the school district. Freedom from tuberculosis in a communicable form is a condition of employment. In the case of a new school employe, the school board may permit the school employe to submit proof of an examination, chest X-ray or tuberculin test complying with this section which was taken within the past 2 ~~years~~ 90 days in lieu of requiring such examination, X-ray or test. If the reaction to the tuberculin test is positive, a chest X-ray shall be required. Additional physical examinations shall be required thereafter at intervals determined by the school board. ~~A chest X-~~

ray or tuberculin test shall be required at least once every 3 years. If the reaction to such tuberculin test is positive, a chest X-ray shall be required. The school employe shall be examined by a physician in the employ of or under contract with the school district, but if a physician is not employed or under contract, the examination shall be made by a physician selected by the school employe.

Vetoed
in Part

~~SECTION 591. 118.255 (4) of the statutes is repealed.~~

SECTION 592. 119.04 (1) of the statutes, as affected by chapters 20 and 34, laws of 1979, is amended to read:

119.04 (1) Subchapter VI of ch. 115, ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28 (15), 115.34, 115.345, 115.76, 115.77, 115.79 to ~~115.94~~ 115.89, 118.015, 118.03, 118.04, 118.06, 118.07, 118.10, 118.12 (1), 118.125, 118.135, 118.14, 118.15, 118.16 (1), (2) and (4) to (6), 118.18, 118.19 (3) (b) and (7), 118.20, 118.24 (2) (c) to (e), 118.255, 120.12 (15), 120.13 (1) ~~and~~, (19) ~~and~~ (26), 120.49 (6) and (14) and 120.61 are applicable to the board of school directors and to schools in 1st class cities.

SECTION 592g. 120.13 (26) of the statutes is created to read:

120.13 (26) CONTRACTS WITH PRIVATE EDUCATION SERVICES. Upon the approval of the state superintendent and applicable for school years 1980-81 to 1984-85, contract with private education services for pupils who need concurrent education and treatment services, the educational portion of which is not available in the schools in which the pupils are enrolled. Private education services provided under this subsection may not include religious or sectarian teachings or instruction.

SECTION 592m. 120.13 (27) of the statutes is created to read:

120.13 (27) TRANSPORTATION OF PERSONS WHO ARE NOT PUPILS. (a) Subject to par. (b), the school board may use or allow the use of school busses owned and operated by the school district to transport persons who are not pupils of the school district. School busses may be used by persons who are not pupils of the school district during school hours if such use does not interfere with the transportation of pupils of the school district. The school board shall charge a fee for use of the school busses under this subsection. The fee shall be an amount equal to the actual cost of transportation under this subsection, including but not limited to costs for depreciation, maintenance, insurance, fuel and compensation of vehicle operators. If the school board denies a written request for use of the school busses, the school board shall provide the requester a written statement of the basis for the denial within 14 days after the denial.

(b) No school bus may be used to provide transportation under this subsection unless the vehicle is insured by a policy providing property damage coverage and bodily injury liability coverage for such transportation in the amounts specified in s. 121.53 (1).

SECTION 592r. 120.49 (15) of the statutes is created to read:

120.49 (15) CONTRACTS WITH PRIVATE EDUCATION SERVICES. Upon the approval of the state superintendent and applicable for school years 1980-81 to 1984-85, contract with private education services for pupils who need concurrent education and treatment services, the educational portion of which is not available in the schools in which the pupils are enrolled. Private education services provided under this subsection may not include religious or sectarian teachings or instruction.

SECTION 593. 121.004 (8) (c) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

121.004 (8) (c) "Declining enrollment increment" for any school district is a number equal to the product of one-half times the difference between the current membership for the current school year and ~~96%~~ 96.9% of the membership for the prior school year, rounded to the nearest whole number. This paragraph applies only to a school district whose current membership for the current school year is less than ~~96%~~ 96.9% of its membership for the prior school year.

Vetoed in Part ~~121.41 State aid for driver education programs. To promote a uniformly effective driver education program among high school and vocational, technical and adult education school pupils, each school district operating high school grades, each county handicapped children's education board which provides the substantial equivalent of a high school education and each vocational, technical and adult education district shall receive \$40 for each pupil of high school age who successfully completes a course in driver education approved by the department, but in no case may the state aid exceed the actual cost of instruction. If the appropriation under s. 20.255 (1) (c) is inadequate in any year to provide \$40 per pupil, the state aid shall be prorated after the appropriation for administration is deducted. Such state aid shall be paid at the same time as the state aid under s. 121.08 is paid. No course under this section may be approved by the department unless it includes instruction in energy efficient driving.~~

SECTION 594g. 121.545 of the statutes is created to read:

121.545 Additional transportation. The parent or guardian of a pupil who attends a public or private school and who is not required to be transported under s. 121.54 may contract with the school board of the district for transportation under this section. The school board of the district may provide transportation under this section to a pupil not required to be transported under s. 121.54, if requested to do so by the parent or guardian of the pupil and if the parent or guardian agrees to pay to the school board a fee sufficient to reimburse the board for the costs incurred in providing such transportation. State aid shall not be provided for transportation under this section.

SECTION 594m. 121.55 (4) of the statutes is created to read:

121.55 (4) A school board which intends to offer a contract under sub. (3) shall notify the parent or guardian of the private school pupil of its intention at least 30 days before the commencement of the school year of the public school district.

~~SECTION 595. 121.58 (3) of the statutes is amended to read:~~

Vetoed in Part ~~121.58 (3) STATE AID FOR BOARD AND LODGING. A school district which provides board and lodging or housing under s. 121.57 (2) in lieu of transportation shall be paid state aid for such board and lodging or housing at the rate of not more than \$6 per week of 5 days for each pupil so boarded and lodged or housed, but not to exceed 60% of the cost. For children with exceptional educational needs such state aid shall be supplemented by the state aid under s. 115.88 in an amount not to exceed the full cost of such board and lodging.~~

SECTION 595m. 121.58 (6) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

121.58 (6) APPROPRIATION PRORATED. If the ~~appropriation~~ appropriations under s. 20.255 (1) (fg) or (4) (fg) in any one year is ~~are~~ insufficient to pay the full amount of approved claims under this section, state aid payments shall be prorated among the school districts entitled thereto.

SECTION 596. 121.79 (1) (c) of the statutes, as affected by chapter 60, laws of 1979, is amended to read:

121.79 (1) (c) For children, ~~except children in foster or group homes, in the care, custody or control of the department of health and social services in such public schools as the department of health and social services designates in the best interests of children residing at camp Flambeau in Winter, Wisconsin, who are enrolled in nearby local school districts.~~

SECTION 596b. 121.85 (1) (a) of the statutes is amended to read:

121.85 (1) (a) "Minority group pupil" means a pupil who is a Black American, a native American, a Spanish-surnamed American or an Oriental American and who has reached the age of 4 on or before September 1 of the year he or she enters school.

SECTION 596c. 121.85 (2) (a) 2 and (b) 2 of the statutes are amended to read:

121.85 (2) (a) 2. By nonminority group pupils who have reached the age of 4 on or before September 1 of the year they enter school and who reside in an attendance area in a school district where minority group pupils constitute less than 30% of the number of pupils enrolled in the school serving that attendance area and which the pupil would normally attend in the district, from that district to a school in a school district where minority group pupils constitute 30% or more of the number of pupils enrolled in that school, as of May 1 of the prior year.

(b) 2. By nonminority group pupils who have reached the age of 4 on or before September 1 of the year they enter school and who reside in an attendance area where minority group pupils constitute less than 30% of the number of pupils enrolled in the school serving that attendance area and which the pupil normally would attend, from that school to another school within the district where minority group pupils constitute 30% or more of the number of pupils enrolled in that school or to a school serving the entire district.

SECTION 596cm. 121.85 (6) (f) of the statutes is created to read:

121.85 (6) (f) *Applicability.* No school district may receive state aid under par. (a) 1 or (b) 1 for transfer pupils who have not reached the age of 5 on or before September 1 of the year they enter school.

SECTION 596e. 121.91 (1) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

121.91 (1) ~~For the 1975-76 school year, and annually thereafter, the The budgeted~~ **Partial** controllable cost for each school district is limited to the sum of its controllable cost per **Veto** member for the previous school year and ~~9.5%~~ 10.5% of its controllable cost per member **Overruled** for the previous school year, multiplied by the cost control membership. For the purpose of this subsection, the controllable cost per member for the previous school year does not include any amounts expended in excess of the maximum budgeted controllable cost allowed under this subchapter in the previous year.

SECTION 596m. 121.91 (2) of the statutes, as affected by chapter 34, laws of 1979, is repealed.

SECTION 597. 121.91 (2) (j) of the statutes is created to read:

121.91 (2) (j) Prevent the payment of expenses attributable to the cost of fuel for pupil transportation, which exceed the percentage, established under sub. (1), of the previous school year's expenditures attributable to the cost of fuel for pupil transportation.

SECTION 598. 121.91 (2) (k) of the statutes is created to read:

121.91 (2) (k) Prevent the full implementation of the uniform financial fund accounting system under s. 115.28 (13).

SECTION 599. 121.91 (2) (L) of the statutes is created to read:

121.91 (2) (L) Prevent the assumption of costs related to programs under subch. IV of ch. 115 in a school district subscribing to programs operated by a county handicapped children's education board due to the withdrawal from or dissolution of the program under s. 115.86 (7) or to the discontinuation of the board under s. 115.86 (9) (b).

SECTION 600. 132.01 (3) of the statutes is amended to read:

132.01 (3) For an original or renewal registration, or the recording of an assignment, there shall be paid to the secretary of state the fee of \$10 \$15.

SECTION 601. 137.01 (1) (a) and (2) (a) of the statutes are amended to read:

137.01 (1) (a) The governor shall appoint notaries public who shall be Wisconsin residents and at least 18 years of age. Applicants who are not attorneys shall file an application with the secretary of state and pay a ~~\$12~~ \$15 fee.

(2) (a) Any Wisconsin resident who is licensed to practice law in this state ~~shall be~~ is entitled to a permanent commission as a notary public upon application to the secretary of state and payment of a ~~\$12~~ \$15 fee. ~~Such~~ The application shall include a certificate of good standing from the supreme court, the signature and post-office address of the applicant and an impression of the applicant's official seal, or imprint of the applicant's official rubber stamp.

SECTION 602. 139.30 (8) (intro.) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

139.30 (8) (intro.) "Jobber" means any person who acquires stamped cigarettes from manufacturers or distributors, stores them and sells them to ~~a person other than the ultimate consumer and:~~ retailers for resale.

SECTION 603. 139.30 (8) (a) and (b) of the statutes, as affected by chapter 34, laws of 1979, are repealed.

SECTION 604. 139.30 (9) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

139.30 (9) "Vending machine operator" means a person who acquires stamped cigarettes from manufacturers or permittees, stores them, and sells them through the medium of vending machines which he or she owns, operates or services and which are located on ~~at least 25 separate~~ premises which are owned or under the control of other persons.

SECTION 604gm. 139.30 (10) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

139.30 (10) "Multiple retailer" means any person who acquires stamped cigarettes from manufacturers or permittees, stores them and sells them to consumers through ~~50~~ 10 or more retail outlets which he owns and operates, ~~at least 25 of which are located within or without this state.~~

SECTION 605t. 139.34 (3) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

139.34 (3) The annual fee for each such permit issued under this section is \$50, ~~except the fee for a distributor's permit is \$500 and the fee for jobber, vending machine operator and multiple retailer permits is \$250.~~

SECTION 606. 140.01 (3) of the statutes is repealed.

SECTION 607. 140.05 (7) of the statutes is renumbered 145.23.

SECTION 608. 140.05 (17) of the statutes is amended to read:

140.05 (17) The department shall license and regulate campgrounds and camping resorts, recreational and educational camps, mobile home parks, and public swimming pools. No person, state or local government may conduct, maintain, manage or operate a campground and camping resort, recreational camp and educational camp, mobile home park or public swimming pool, as defined by departmental rule, who has not been issued an annual license by the department. A separate license ~~shall be~~ is required for each type of establishment and public swimming pool. Licenses ~~shall are not be~~ transferable from one premise to another or from one person, state or local government to another. The annual nonreturnable and nonprorated license fee ~~for all places coming under this section shall be~~ subsection is \$25 for recreational and educational camps, \$25 for public swimming pools, a graduated fee up to a maximum fee of \$100 for campgrounds and camping resorts, and a graduated fee up to a maximum fee of \$100 for mobile home parks. The department shall establish the graduated fees for campgrounds and camping resorts and for mobile home parks by rule. All ~~such~~ licenses shall issued under this subsection expire on June 30. An additional penalty fee of \$10 ~~shall be~~ is required for each license ~~when-~~ ever if the annual fee for renewal is not paid prior to expiration of the license. Anyone

violating this ~~section subsection~~ or any rule of the department under this ~~section subsection~~ shall be fined not less than \$25 nor more than \$250 and anyone failing to comply with an order of the department shall forfeit \$10 for each day of noncompliance after the order is served upon or directed to him or her ~~and in the case of action under sub. (20), after lapse of a reasonable time after final determination.~~ The department may also, after holding a hearing in conformance with ch. 227, refuse to issue a license or suspend or revoke a license for violation of this subsection or any rule or order the department issues to implement this subsection.

SECTION 608m. 140.10 of the statutes is created to read:

140.10 Local health department; evidence. The reports and employes of a city, county, city-county or multicounty health department are subject to s. 165.79 (3) (b).

SECTION 609. 140.54 (2) of the statutes is amended to read:

140.54 (2) AMENDED REGISTRATION. ~~Whenever~~ If the person in control increases the number of sources, source strength, rated output or energy of radiation produced in any installation, he or she shall notify the department of ~~such~~ the increase prior to operation on ~~such~~ the revised basis, ~~and such change shall be recorded.~~ The department shall record the change in the registration. If the person in control transfers control of the radiation installation to another person the registration also transfers to the other person, who shall notify the department of the transfer within 15 days. The department shall record the change in the registration. If any installation is discontinued, the person in control shall notify the department within 30 days of ~~such~~ the discontinuance.

SECTION 609m. 140.61 of the statutes is created to read:

140.61 Radiation monitoring of nuclear power plants. The department shall take environmental samples to test for radiation emission in any area of the state within 20 miles of a nuclear power plant. The department shall charge the owners of each nuclear power plant in the state a one-time fee of \$30,000 per plant in fiscal year 1980-81 and in succeeding fiscal years shall charge an annual fee of \$10,000 per plant to finance radiation monitoring under this section.

SECTION 610. 140.81 (2) (intro.) of the statutes is amended to read:

140.81 (2) (intro.) A drug dependence and drug abuse program is established in the department. The secretary may develop and carry out programs concerned with education about and prevention of drug dependence and drug abuse, and programs concerned with treatment and rehabilitation of drug dependent persons and persons who abuse drugs. The secretary shall appoint a drug dependence program coordinator to handle liaison with other departments and agencies, including the state council on alcohol and other drug abuse. These programs may include, but ~~shall~~ are not ~~be~~ limited to:

SECTION 611. 140.81 (3) of the statutes is repealed.

SECTION 612. 140.81 (4) of the statutes is renumbered 140.81 (3) and amended to read:

140.81 (3) The department may accept, receive, administer and expend any money, material or other gifts or grants of any description for purposes related to those set forth in this section. Moneys and grants received under this section shall be deposited with the state treasurer and shall be credited to the department of ~~health and social services~~ under s. 20.435 (2) (i) and expended by the department or the state council on alcohol and other drug abuse for the purposes specified.

SECTION 613. 140.82 (1) (intro.) to (b), (e), (g) and (i) of the statutes are amended to read:

140.82 (1) (intro.) The department is designated the state health planning and development agency as provided under 42 USC 300k to 300n-5, in effect on the effective date of this act (1979), and shall:

(a) Initiate, conduct and periodically evaluate a process for planning to ~~effectively~~ use the resources of the state and meet the health needs of its ~~citizens~~ residents and to ~~implement in conjunction with other state agencies those parts of the state health plan and plans of the health systems agencies that relate to state government.~~

(b) ~~Annually prepare the state comprehensive health plan. The plan shall identify state health goals and priorities, determine health fund allocation priorities, provide for the coordination of federal hospital construction, mental health, alcohol, other drug abuse and developmental disability plans. Prepare, review at least triennially and revise as necessary a preliminary state health plan that identifies health service and resource goals and priorities. The department shall develop the plan from the plans of the health systems agencies in the state as required under 42 USC 300k to 300n-5, in effect on the effective date of this act (1979). The department shall submit the preliminary plan to the health policy council for review under s. 14.25 (1) (f). In addition to coordinating the preparation of health-related federal plans, the department shall coordinate the preparation of public and private state health and health-related plans. This shall include the state facilities survey and development of the state health facilities plan.~~

(e) Designate and provide for the development and organization of ~~substate health planning and development systems agencies as established under P.L. 93-641~~ 42 USC 300k to 300n-5, in effect on the effective date of this act (1979).

(g) Provide information and technical assistance to the office of the governor and the legislature and public and private organizations as necessary to implement the ~~state's~~ state health plan.

(i) Serve as the single state agency for federally assisted health facility modernization and construction and administer the regulation of health care institutions. If the department acts under this paragraph, it shall consider recommendations from health systems agencies as required under 42 USC 300m-2 (a) (4), in effect on the effective date of this act (1979).

SECTION 614. 140.82 (1) (k) to (m) of the statutes are created to read:

140.82 (1) (k) Periodically review all institutional and home health services offered in the state for which the state plan establishes goals and publicize its findings, after considering recommendations concerning the appropriateness of the services from health systems agencies under 42 USC 300k to 300n-5, in effect on the effective date of this act (1979). In reviewing the appropriateness of a health service under this paragraph, the department shall at least consider the need for the service, its accessibility, availability, financial viability and cost effectiveness and the quality of service provided.

(L) Prepare an inventory of the health care facilities other than federal health care facilities located in the state. The department shall report the inventory to the health systems agencies within the state to assist the agencies in performing their functions, as required under 42 USC 300L-2, in effect on the effective date of this act (1979).

(m) Assist the health policy council in the performance of its functions under s. 14.25.

SECTION 615. 140.82 (2) of the statutes is repealed.

SECTION 616. 140.82 (3) and (4) of the statutes are renumbered 140.82 (2) and (3), respectively.

SECTION 617. 140.83 (1), (2) and (3) (a) of the statutes are amended to read:

140.83 (1) DEFINITION. In this section "~~area-wide comprehensive health planning~~ 'health systems agency'" means a governmental agency or a private nonprofit corporation which meets the requirements of the federal partnership for health act, P.L. 89-749, as ~~amended~~ under 42 USC 300k to 300n-5, in effect on the effective date of this act (1979),

and which has been designated by the state ~~comprehensive~~ health planning and development agency under that act as an ~~area-wide comprehensive health planning agency~~ a health systems agency under s. 140.82.

(2) REGIONAL PLANS FOR EMERGENCY MEDICAL SERVICES. Each ~~area-wide comprehensive~~ health planning systems agency shall develop a plan for the provision of emergency medical services within the area.

(3) (a) Provide technical assistance to the ~~area-wide comprehensive~~ health planning systems agencies in the development of emergency medical service plans.

SECTION 618. 140.85 (3) of the statutes is repealed and recreated to read:

140.85 (3) EXEMPTIONS. (a) The central state hospital and health care facilities under ss. 45.365, 48.62, 51.05, 51.06 and 149.06, and ch. 142 are exempt from this section.

(b) Community-based residential facilities licensed for 20 or fewer residents are exempt from this section.

SECTION 618g. 143.16 of the statutes is amended to read:

143.16 Physical exams for teachers. The governing body of each private or parochial school enrolling pupils in any grades from one to 12 and of every privately supported institution of higher education in the state granting a certificate, diploma or degree shall, as a condition of entering or continuing such employment, require a physical examination, including a chest X-ray or tuberculin test, of every employe of such the institution except in institutions of higher learning employes working less than 60 days in any school year shall be exempt; except that a governing body may, in the case of a new employe, permit the employe to submit proof of an examination, chest X-ray or tuberculin test, which complies with this section taken within the past ~~2 years~~ 90 days in lieu of requiring such examination, X-ray or test. If the reaction to the tuberculin test is positive then a chest X-ray shall be required. Additional physical examinations shall be required thereafter at intervals determined by said the governing body. ~~A chest X-ray or tuberculin test shall be required at least once every 3 years and if the reaction to such tuberculin test is positive then a chest X-ray shall be required.~~ The physician making such the examination shall prepare a report of same the examination upon a standard form prescribed by the department. ~~Such~~ The report shall be retained in the physician's files and he or she shall make confidential recommendations therefrom to the governing body and to the employe on a form prescribed by the department. The recommendation form shall contain space for a certificate that the person examined is free from tuberculosis in a communicable form. Not more than 30 days after the opening of each semester or similar period, each institution shall file with the department a certificate of compliance on a form satisfactory to the department stating that they have complied with this section.

SECTION 618r. 143.17 (2) of the statutes is amended to read:

143.17 (2) The governing body shall, as a condition of entering or continuing employment, require a physical examination including a chest X-ray or tuberculin test, of every person employed for 60 days or more in any fiscal year by the governing body; except that the governing body may, in the case of a new employe, permit the employe to submit proof of an examination, chest X-ray or tuberculin test which complies with this section taken within the past ~~2 years~~ 90 days in lieu of requiring such examination, X-ray or test. If the reaction to the tuberculin test is positive then a chest X-ray shall be required. Additional physical examinations shall be required thereafter at intervals determined by the governing body. ~~A chest X-ray or tuberculin test shall be required at least once every 3 years; if the reaction to such tuberculin test is positive then a chest X-ray shall be required.~~ The employe shall be examined by a licensed physician in the employ of or under contract with the institution. If no such physician is employed or under contract, the examination shall be made by any licensed physician selected by the employe. Such physical examinations, chest X-rays or tuberculin tests shall not be required of any such

employe who files with the governing body an affidavit setting forth that he or she depends exclusively upon prayer or spiritual means for healing in accordance with the teachings of a bona fide religious sect, denomination or organization and that he or she is to the best of his or her knowledge and belief in good health and that he or she claims exemption from health examination on such grounds. Notwithstanding the filing of such affidavit if there is reasonable cause to believe that such the employe is suffering from an illness detrimental to the health of the pupils, the governing body may require such health examination of such the employe sufficient to indicate whether or not such the employe is suffering from such an illness. No employe shall may be discriminated against by reason of his or her filing the aforementioned affidavit. The physician making such the examination shall prepare a report of his or her examination upon a standard form prepared by the department and the department of public instruction. Such The report shall be retained in the physician's files and he or she shall make confidential recommendations therefrom to the governing body and to the employe on a form prepared by the department and the department of public instruction. The recommendation form shall contain space for a certificate that the person is free from tuberculosis in a communicable form. The cost of such the examinations, including X-rays and tuberculin tests, shall be paid by the individual employe, but the governing body may arrange for the use of its facilities and qualified professional staff to carry out this function with or without charge to the employe. Not more than 30 days after the opening of each semester or similar period, each institution shall file with the department a certificate of compliance, on a form satisfactory to the department stating that they have complied with this section.

SECTION 619. Subchapter I (title) of chapter 144 of the statutes is created to read:

CHAPTER 144

SUBCHAPTER I

DEFINITIONS

(to precede s. 144.01)

SECTION 619m. 144.01 (9m) of the statutes is created to read:

144.01 (9m) "Person" means an individual, owner, operator, corporation, partnership, association, municipality, interstate agency, state agency or federal agency.

SECTION 620. Subchapter II (title) of chapter 144 of the statutes is created to read:

CHAPTER 144

SUBCHAPTER II

WATER AND SEWAGE

(to precede s. 144.02)

SECTION 621. 144.023 of the statutes is renumbered 144.952.

~~SECTION 621m. 144.055 of the statutes is created to read.~~

Vetoed
in Part

~~144.055 Sewer grates. No owner may install a sewer grate in a street or highway if all of the bars of the sewer grate are parallel to the curb line or edge of the traveled roadway.~~

SECTION 622. 144.06 of the statutes, as affected by chapter 110, laws of 1979, is amended to read:

144.06 House connections. To assure preservation of public health, comfort and safety, any city ~~or~~, village or any town ~~having a population of more than 7,500 or town sanitary district having a system of waterworks or sewerage, or both, may by ordinance require buildings used for human habitation and located adjacent to a sewer or water main, or in a block through which one or both of such these systems extend, to be connected with either or both in the manner prescribed. If any person fails to comply for more than 10 days after notice in writing the municipality may impose a penalty or may cause connection to be made, and the expense thereof shall be assessed as a special tax against the property.~~

Except in ~~cities of the 1st class~~ cities, the owner may, within 30 days after the completion of the work, file a written option with the ~~city or village~~ municipal clerk stating that he ~~or she~~ cannot pay ~~such the~~ amount in one sum and asking that it be levied in not to exceed 5 equal annual instalments, and the amount shall be so collected with interest at the rate of 6% per year from the completion of the work, the unpaid balance to be a special tax lien.

SECTION 623. 144.10 of the statutes, as affected by chapter 34, laws of 1979, is repealed.

SECTION 624. 144.12 of the statutes is renumbered 144.27 and amended to read:

144.27 Limitation. Nothing in this ~~chapter shall be construed to affect the provisions of sections subchapter affects ss. 196.01 to 196.79 or of chapter ch. 31 of the statutes.~~

SECTION 625. 144.235 of the statutes is created to read:

144.235 Financial assistance program; local water quality planning. (1) DEFINITIONS. As used in this section:

(a) "Designated local agency" means the designated local agency under section 208 of the federal act.

(b) "Federal act" means the federal water pollution control act amendments of 1972, P.L. 92-500, 86 Stat. 816.

(2) STATE ASSISTANCE. (a) The department shall administer a program to provide state assistance to designated local agencies for water quality planning activities.

(b) Each designated local agency which provides equal matching funds is eligible to receive state assistance in an amount equal to no less than one-sixth of the current annual grant amount received from the federal environmental protection agency for water quality planning activities under section 208 of the federal act.

(c) A designated local agency which provides matching funds may be eligible to receive additional state assistance for water quality planning activities, as determined by the department, based upon a demonstration of need.

SECTION 626. 144.24 (10) (a) 2, (b) and (c) of the statutes, as affected by chapter 34, laws of 1979, are amended to read:

144.24 (10) (a) 2. "Private sewage system" means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the department of ~~health and social services~~ industry, labor and human relations including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private sewage system may be owned by the property owner or by a special purpose district.

(b) *Rules.* The department may not promulgate a rule under this subsection until the proposed rule is approved by the department of ~~health and social services~~ industry, labor and human relations. A rule promulgated under this subsection without the approval of the department of ~~health and social services~~ industry, labor and human relations is void.

(c) *Maintenance.* The department shall establish a maintenance program to be administered by ~~counties~~ the governmental units responsible for the regulation of private sewage systems, as defined under s. 145.01 (15), under this subsection, applicable to all new or replacement private sewage systems constructed in ~~counties~~ governmental units which receive a grant under this subsection. The maintenance program shall include a requirement of inspection or pumping of the private sewage system at least once every 3 years. Inspections may be conducted by a master plumber, journeyman plumber or restricted plumber licensed under ch. 145, a person licensed under s. 146.20 or by ~~a county or state~~ an employe of the state or governmental unit designated by the department. The department may suspend or revoke a license issued under s. 146.20 if the department finds

that the licensee falsified information on inspection forms. The department of health and social services may suspend or revoke the license of a plumber licensed under ch. 145 if the department of health and social services finds that the plumber falsified information on inspection forms.

SECTION 626b. 144.24 (10) (e) 1 of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

144.24 (10) (e) 1. A failing private sewage system serving one or more principal residences or small commercial establishments constructed prior to and inhabited on July 1, 1978, is eligible for grant funds under this subsection if an enforcement order has been issued under s. 144.025 (2) (d), 145.02 (3) (f) or 145.20 (2) (f) or an enforcement order has been issued by a county governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (15), under s. 146.13. A private sewage system subject to an enforcement order is eligible for grant funds during the 3-year period after the order is issued, if the application is submitted and work is completed within 12 months after the order is issued. Grant funds may be awarded after work is completed if rehabilitation or replacement of the system meets all requirements of this subsection and rules promulgated under this subsection. After receiving a grant application, unless a grant is awarded, the department shall include the private sewage system on the priority list until the end of the 3-year period after the order is issued.

SECTION 626f. 144.24 (10) (h) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

144.24 (10) (h) *Application*. In order to be eligible for a grant under this subsection a county governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (15), shall make an application for replacement or rehabilitation of private sewage systems of principal residences or small commercial establishments.

SECTION 626k. 144.24 (10) (i) (intro.), 3 and 5 of the statutes, as affected by chapter 34, laws of 1979, are amended to read:

144.24 (10) (i) (title) *Conditions; governmental units*. (intro.) As a condition for obtaining a grant under this subsection, a county governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (15), making an application shall:

3. Certify that grants provided to counties the governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (15), will be disbursed to the owners of eligible private sewage systems;

5. Establish a system of user charges and cost recovery if the county governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (15), considers this system to be appropriate. User charges and cost recovery may include the cost of the grant application fee and the cost of supervising installation and maintenance.

SECTION 626p. 144.24 (10) (j) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

144.24 (10) (j) *Assistance*. The department shall make its staff available to provide technical assistance to counties each governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (15).

SECTION 626s. 144.24 (10) (L) 1 and 4 of the statutes, as affected by chapter 34, laws of 1979, are amended to read:

144.24 (10) (L) 1. Counties A governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (15), which ~~desire~~ desires to participate in the financial assistance program under this subsection shall submit an application for participation to the department. The application shall be in the form and include the information the department prescribes. The department shall review applications for participation in the state program. It shall determine those applications which meet the

criteria it established under par. (i). Applications must be received by the department no later than January 1 of any year for consideration in that fiscal year.

4. The department shall promulgate rules which shall define payment mechanisms to be used to disburse grants to ~~counties~~ a governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (15).

SECTION 626w. 144.24 (10) (m) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.24 (10) (m) *Inspection.* Agents of the department or the ~~county~~ governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (15), may enter premises where private sewage systems are located pursuant to a special inspection warrant as required under s. 66.122, to collect samples, records and information and to ascertain compliance with the rules and orders of the department or the ~~county~~ governmental unit.

SECTION 626y. 144.24 (10) (n) 4 of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

144.24 (10) (n) 4. Additional grants under this subsection to a ~~county~~ governmental unit responsible for the regulation of private sewage systems, as defined under s. 145.01 (15), previously awarded a grant under this subsection may be suspended or terminated if the department finds that a private sewage system previously funded in the ~~county~~ governmental unit is not being or has not been properly installed or maintained.

SECTION 626z. 144.25 (4) (f) of the statutes is created to read:

144.25 (4) (f) Administer the distribution of aids under s. 20.370 (4) (ce) to designated management agencies for local implementation of the nonpoint source pollution abatement grant program.

SECTION 627. Subchapter III (title) of chapter 144 of the statutes is created to read:

CHAPTER 144

SUBCHAPTER III

AIR POLLUTION

(to precede s. 144.30)

SECTION 627eb. 144.30 (3m) of the statutes is created to read:

144.30 (3m) "Allocation of the available air resource" means either:

(a) The apportionment among air contaminant sources of the difference between an ambient air quality standard and the concentration in the atmosphere of the corresponding air contaminant in existence at the time the rule promulgated under s. 144.373 becomes effective; or

(b) The apportionment among air contaminant sources of the difference between an ambient air increment and the baseline concentration if a baseline concentration is established.

SECTION 627ed. 144.30 (7) of the statutes, as created by chapter 34, laws of 1979, is repealed and recreated to read:

144.30 (7) "Attainment area" means an area which is not a nonattainment area.

SECTION 627eg. 144.30 (9m) of the statutes is created to read:

144.30 (9m) "Construction or modification permit" means any permit under s. 144.391 (1) (b) 1, (2) (b) 1 or (3) (b) 1.

SECTION 627ei. 144.30 (11) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.30 (11) “Emission limitation” or “emission standard” means a requirement which limits the quantity, rate or concentration of emissions of air contaminants on a continuous basis. An emission limitation or emission standard includes a requirement relating to the operation or maintenance of a source to assure continuous emission reduction.

SECTION 627ek. 144.30 (13) of the statutes, as created by chapter 34, laws of 1979, is renumbered 144.30 (9r) and amended to read:

144.30 (9r) “~~Existing source operating~~ Elective operation permit for an existing source” or “elective operation permit” means a permit under s. 144.391 (1) (c), (2) (c) or (3) (c).

SECTION 627em. 144.30 (16) of the statutes, as created by chapter 34, laws of 1979, is renumbered 144.30 (18m) and amended to read:

144.30 (18m) “~~Mandatory major~~ Major source construction or new operation permit” means a permit under s. 144.391 (1) (b) or (2) (b).

SECTION 627ep. 144.30 (17) of the statutes, as created by chapter 34, laws of 1979, is renumbered 144.30 (19m) and amended to read:

144.30 (19m) “~~Mandatory minor~~ Minor source construction or new operation permit” means a permit under s. 144.391 (3) (b).

SECTION 627er. 144.30 (17m) of the statutes is created to read:

144.30 (17m) “Mandatory operation permit for an existing source” or “mandatory operation permit” means a permit under s. 144.391 (1) (bm), (2) (bm) or (3) (bm).

SECTION 627et. 144.30 (18) of the statutes, as created by chapter 34, laws of 1979, is renumbered 144.30 (9p) and amended to read:

144.30 (9p) “Mandatory Construction or new operation permit” means a permit under s. 144.391 (1) (b), (2) (b) or (3) (b).

SECTION 627ev. 144.30 (20) of the statutes, as created by chapter 34, laws of 1979, is repealed and recreated to read:

144.30 (20) “Modification” means any changes in the physical size or method of operation of a stationary source which increases the potential amount of emissions of an air contaminant or which results in the emission of an air contaminant not previously emitted or which results in the violation of an ambient air increment. In determining if a change in the physical size or method of operation of an attainment area major source is a modification, an increase in the potential amount of emissions of an air contaminant occurs only if there is an increase in the net amount of emissions of the air contaminant.

SECTION 627ew. 144.30 (21) of the statutes, as created by chapter 34, laws of 1979, is repealed and recreated to read:

144.30 (21) “Nonattainment area” means an area identified by the department in a document prepared under s. 144.371 (2) where the concentration in the atmosphere of an air contaminant exceeds an ambient air quality standard.

SECTION 627ex. 144.30 (22) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.30 (22) “Nonattainment area ~~mandatory major source~~ construction or new operation permit” means a permit under s. 144.391 (1) (b).

SECTION 627fb. 144.30 (22m) of the statutes is created to read:

144.30 (22m) “Operation permit”, unless otherwise qualified, means any permit under s. 144.391 (1) (b) 2, (bm) or (c), (2) (b) 2, (bm) or (c) or (3) (b) 2, (bm) or (c).

SECTION 627fd. 144.31 (1) (j) of the statutes, as created by chapter 34, laws of 1979, is renumbered 144.375 (2) and amended to read:

144.375 (2) (title) AMBIENT AIR INCREMENT. ~~Determine periodically and promulgate the~~ The department shall promulgate by rule ambient air ~~increment~~ increments for various air contaminants in attainment areas. The ambient air increments shall be consistent with and not more restrictive, either in terms of the concentration or the contaminants to which they apply, than ambient air increments under the federal clean air act except as provided under sub. (6).

SECTION 627fg. 144.31 (1) (L) of the statutes, as created by chapter 34, laws of 1979, is renumbered 144.375 (3) and amended to read:

144.375 (3) (title) CAUSE OR EXACERBATION OF AMBIENT AIR QUALITY STANDARD OR INCREMENT. ~~Promulgate~~ The department shall promulgate rules to define what constitutes the cause or exacerbation of a violation of an ambient air quality standard or ambient air increment.

SECTION 627fj. 144.31 (1) (m) of the statutes is created to read:

144.31 (1) (m) Coordinate the reporting requirements under ss. 144.394 and 144.96 in order to minimize duplicative reporting requirements.

SECTION 627fm. 144.31 (1) (p) of the statutes is created to read:

144.31 (1) (p) Promulgate by rule the actions or events which constitute the reconstruction of a major source. The department shall submit the notice required under s. 227.018 regarding rules under this paragraph by January 1, 1984.

SECTION 627gb. 144.35 (title), (2) and (3) of the statutes are created to read:

144.35 (title) General duties.

(2) STUDY OF MANDATORY OPERATION PERMIT REQUIREMENTS FOR EXISTING SOURCES. The air pollution control council with the cooperation and assistance of the department shall conduct a study on the requirement of mandatory operation permits for existing sources. The study shall describe the implementation of the mandatory operation permit requirements for existing sources, the costs, paperwork, delays and other burdens, if any, incurred by permit applicants in order to comply with the mandatory operation permit requirements for existing sources and the benefits to the citizens of the state in reduced air pollution and more effective management of the state's air resource. The air pollution control council shall report the results of this study to the legislature by July 1, 1988.

(3) STUDY OF ENFORCEMENT. The air pollution control council, with the cooperation and assistance of the department, shall conduct a study to identify any mechanism to minimize conflicting enforcement of the air pollution control permit program by the department and the federal environmental protection agency. The study shall include an examination of the enforcement of provisions in state law which are not required by the federal clean air act. The air pollution control council shall report the results of this study to the legislature and the natural resources board.

SECTION 627ge. 144.355 of the statutes is created to read:

144.355 Air resource allocation council. (1) GENERAL DUTIES. The air resource allocation council shall advise the department on the allocation of the available air resource in attainment areas.

(2) STAFF. The department of natural resources shall provide adequate staff for the air resource allocation council to meet its responsibilities under subs. (3) to (5).

(3) RECOMMENDATIONS. The air resource allocation council shall prepare recommendations for the allocation of the available air resource in attainment areas among possible future sources considering ambient air quality standards, ambient air increments and emission limitations. These recommendations may include:

(a) Formulas for the reservation of certain amounts of the available air resource for future development.

- (b) Factors to be considered in allocating the available air resource.
- (c) Methods to determine the amount by which a source reduces or has the potential to reduce the amount of the available air resource.
- (d) Methods to be used in establishing emission reduction options to apportion the available air resource.
- (e) Methods for the continuing evaluation of policies related to the allocation of the air resource and public participation in this process.
- (f) Identification of the air resources which the department should allocate.
- (4) CONSIDERATIONS. In preparing its recommendations, the air resource allocation council shall consider:
 - (a) Present and future development needs.
 - (b) Priorities for certain types of development.
 - (c) Compatibility of certain types of development with existing uses.
 - (d) The possibility and the impact of stricter or more relaxed air quality standards, ambient air increment and emission limitations.
- (5) REPORT. The air resource allocation council shall report its recommendations to the natural resources board by January 1, 1984.
- (6) SUNSET. This section is effective until January 2, 1984.

SECTION 627gh. 144.355 of the statutes, as created by chapter (this act), laws of 1979, is repealed.

SECTION 627gj. 144.36 (title) of the statutes is repealed.

SECTION 627gm. 144.37 of the statutes is renumbered 144.35 (1).

SECTION 627gp. 144.371 of the statutes is created to read:

144.371 Identification of nonattainment areas. (1) PROCEDURES AND CRITERIA. The department shall promulgate by rule procedures and criteria to identify a nonattainment area and to reclassify a nonattainment area as an attainment area. The department shall submit the notice required under s. 227.018 regarding rules under this subsection by July 1, 1982.

(2) DOCUMENTS. The department shall issue documents from time to time which define or list specific nonattainment areas based upon the procedures and criteria promulgated under sub. (1). Notwithstanding s. 227.01 (9) or (10), documents issued under this subsection are not rules.

(3) REVIEW. The documents issued under sub. (2) may be reviewed under ss. 227.064 and 227.15.

(4) PROCEDURES. For any document issued under sub. (2) after the effective date of this act (1979), the department shall hold a public hearing and follow the procedures in this subsection. The department shall give notice of the public hearing, and shall take any steps it deems necessary to convey effective notice to persons who are likely to have an interest in the proposed document. The notice shall be given at least 30 days prior to the date set for the hearing. The notice shall include a statement of the time and place at which the hearing is to be held and either a text of the proposed document or a description of how a copy of the document may be obtained from the department at no charge. The department shall hold a public hearing at the time and place designated in the notice of hearing, and shall afford all interested persons or their representatives an opportunity to present facts, views or arguments relative to the proposal under consideration. The presiding officer may limit oral presentations if it appears that the length of the hearing otherwise would be unduly increased by reason of repetition. The department shall afford each interested person opportunity to present facts, views or arguments in writing whether or not he or she has had an opportunity to present them orally. At the beginning

of each hearing the department shall present a summary of the factual information on which the document is based. The department or its duly authorized representative may administer oaths or affirmations and may continue or postpone the hearing to such time and place as it determines. The department shall keep minutes or a record of the hearing in such manner as it determines to be desirable and feasible. The department shall receive written comments on the document for at least 10 days after the close of the hearing. The department may not issue documents under this section earlier than 30 days after the close of the hearing.

SECTION 627gr. 144.372 of the statutes is created to read:

144.372 Best available retrofit technology. (1) **CASE-BY-CASE SPECIFICATION.** If visibility in an area is identified as an important value of the area under section 169A of the federal clean air act, the department shall specify on a case-by-case basis the best available retrofit technology for any existing major source located in the area and identified under section 169A of the federal clean air act.

(2) **CONSIDERATIONS.** In specifying the best available retrofit technology, the department shall consider:

- (a) The cost of compliance.
- (b) The existing pollution control technology in use at the source.
- (c) The remaining useful life of the source.
- (d) The degree of improvement in visibility which may be anticipated to result from the use of various retrofit technologies.
- (e) The energy and nonair quality environmental impacts of compliance.

SECTION 627gt. 144.373 of the statutes is created to read:

144.373 Air resource allocation. (1) **DETERMINATION.** The department, after considering the recommendations submitted under s. 144.355, 1979 stats., shall promulgate by rule procedures and criteria to determine the allocation of the available air resource in an attainment area.

(2) **ALLOCATION.** The department, after considering the recommendations submitted under s. 144.355, 1979 stats., shall promulgate by rule air resource allocation standards to allocate the available air resource in attainment areas among sources receiving a construction or new operation permit or an elective operation permit for an existing source after the effective date of this rule, other air contaminant sources and possible future air contaminant sources. The air resource allocation standards may allow for emission reduction options. The application of air resource allocation standards may not result in a violation of an ambient air quality standard or an ambient air increment.

(3) **DOCUMENTS.** The department shall maintain records indicating how much of the available air resource has been allocated in attainment areas. The department shall make these records available for public inspection.

SECTION 627gv. 144.374 of the statutes is created to read:

144.374 Mandatory operation permit dates. (1) **OPERATION PERMIT REQUIREMENT DATE.** The department shall promulgate by rule a schedule of the dates when a mandatory operation permit is required for various categories of existing sources. The department shall submit the notice required under s. 227.018 regarding rules under this subsection by October 1, 1982. The department may not require a mandatory operation permit for any existing source prior to January 1, 1983. The department shall require a mandatory operation permit for all existing sources after July 1, 1986.

(2) **OPERATION PERMIT APPLICATION DATE.** The department shall promulgate by rule a schedule of the dates when a mandatory operation permit application is required to be submitted for various categories of existing sources. The department shall submit the

notice required under s. 227.018 regarding rules under this subsection by October 1, 1982.

SECTION 627gx. 144.375 of the statutes is created to read:

144.375 Air pollution control; standards and determinations. (1) AMBIENT AIR QUALITY STANDARDS. (a) *Similar to federal standard.* If an ambient air quality standard is promulgated under section 109 of the federal clean air act, the department shall promulgate by rule a similar standard but this standard may not be more restrictive than the federal standard except as provided under sub. (6).

(b) *Standard to protect health or welfare.* If an ambient air quality standard for any air contaminant is not promulgated under section 109 of the federal clean air act, the department may promulgate an ambient air quality standard if the department finds that the standard is needed to provide adequate protection for public health or welfare.

(4) STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES. (a) *Similar to federal standard.* If a standard of performance for new stationary sources is promulgated under section 111 of the federal clean air act, the department shall promulgate by rule a similar emission standard but this standard may not be more restrictive in terms of emission limitations than the federal standard except as provided under sub. (6).

(b) *Standard to protect public health or welfare.* If a standard of performance for any air contaminant for new stationary sources is not promulgated under section 111 of the federal clean air act, the department may promulgate an emission standard of performance for new stationary sources if the department finds the standard is needed to provide adequate protection for public health or welfare.

(c) *Restrictive standard.* The department may impose a more restrictive emission standard of performance for a new stationary source than the standard promulgated under par. (a) or (b) on a case-by-case basis if a more restrictive emission standard is needed to meet the applicable lowest achievable emission rate under s. 144.393 (2) (b) or to install the best available control technology under s. 144.393 (3) (a).

(5) EMISSION STANDARDS FOR HAZARDOUS AIR CONTAMINANTS. (a) *Similar to federal standard.* If an emission standard for a hazardous air contaminant is promulgated under section 112 of the federal clean air act, the department shall promulgate by rule a similar standard but this standard may not be more restrictive in terms of emission limitations than the federal standard except as provided under sub. (6).

(b) *Standard to protect public health or welfare.* If an emission standard for a hazardous air contaminant is not promulgated under section 112 of the federal clean air act, the department may promulgate an emission standard for the hazardous air contaminant if the department finds the standard is needed to provide adequate protection for public health or welfare.

(c) *Restrictive standard.* The department may impose a more restrictive emission standard for a hazardous air contaminant than the standard promulgated under par. (a) or (b) on a case-by-case basis if a more restrictive standard is needed to meet the applicable lowest achievable emission rate under s. 144.393 (2) (b) or to install the best available control technology under s. 144.393 (3) (a).

(6) IMPACT OF CHANGE IN FEDERAL STANDARDS. (a) If the ambient air increment, the ambient air quality standard, the standards of performance for new stationary sources or the emission standards for hazardous air contaminants under the federal clean air act are relaxed, the department shall alter the corresponding state standards unless it finds that the relaxed standards would not provide adequate protection for public health and welfare.

(b) Paragraph (a) applies to state standards of performance for new stationary sources and emission standards for hazardous air contaminants in effect on the effective date of this act (1979) if the relaxation in the corresponding federal standards occurs after the effective date of this act (1979).

(c) Paragraph (a) applies to ambient air quality standards in effect on the effective date of this act (1979).

SECTION 627jb. 144.391 (1) (a) 2 (intro.) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.391 (1) (a) 2. (intro.) The source, ~~without~~ considering air pollution control equipment, is capable of emitting an air contaminant for which the area is classified as a nonattainment area in the following amounts:

SECTION 627jd. 144.391 (1) (ae) of the statutes is created to read:

144.391 (1) (ae) *Nonattainment area new major source.* A nonattainment area major source is a new source if, at the time application is made for an air pollution control permit, the department determines that when the source will commence operation following construction, reconstruction or replacement, it will be located in a nonattainment area or may affect significantly the air quality in a nonattainment area, and if:

1. 'Construction.' Construction of the source commences after the effective date of this act (1979);

2. 'Reconstruction.' Reconstruction of the source commences after the effective date of this act (1979); or

3. 'Replacement.' Replacement of the source commences after the effective date of this act (1979).

SECTION 627jf. 144.391 (1) (am) of the statutes is created to read:

144.391 (1) (am) *Nonattainment area modified major source.* A nonattainment area major source is a modified source if, at the time application is made for an air pollution control permit, the department determines that when the source will commence operation following modification, it will be located in a nonattainment area or may affect significantly the air quality in a nonattainment area, and if modification of the source commences after July 29, 1979.

SECTION 627jh. 144.391 (1) (as) of the statutes is created to read:

144.391 (1) (as) *Nonattainment area existing major source.* A nonattainment area major source is an existing source if it is not a new source and it is not a modified source.

SECTION 627jk. 144.391 (1) (b) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.391 (1) (b) (title) *Nonattainment area major source construction or new operation permit.* 1. (title) 'Construction permit.' ~~After July 29, 1979, no~~ No person may commence construction of a ~~new stationary source, reconstruction or replacement~~ or commence modification of an ~~existing stationary source if that source is a nonattainment area major source unless the person has a permit from the department.~~

2. (title) 'New operation permit.' ~~No person may operate a stationary source for which construction commenced after July 29, 1979, or operate an existing stationary source for which modification commenced after July 29, 1979, if that source is a nonattainment area new major source or operate a nonattainment area modified major source unless the person has a permit from the department.~~

SECTION 627jm. 144.391 (1) (bm) of the statutes is created to read:

144.391 (1) (bm) *Mandatory operation permit for existing nonattainment area major source.* No person may operate a nonattainment area existing major source after the operation permit requirement date specified under s. 144.374 (1) unless the person has an operation permit from the department.

SECTION 627jp. 144.391 (1) (c) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.391 (1) (c) (title) *Elective operation permit for nonattainment area existing major source.* ~~After July 29, 1979, a~~ A person may apply for a permit for the operation of one or more points of emission from ~~an existing stationary source if the source is a nonattainment area existing~~ major source even if no permit is required under par. (b) ~~or (bm)~~. No person may operate a source under an emission reduction option program unless the person has an operating operation permit for the source from the department. If a person elects to apply for an operating elective operation permit, the source may not be operated without that permit beginning on the date the permit is first issued and the source may not be withdrawn from this permit program.

SECTION 627jr. 144.391 (2) (a) 2 (intro.) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.391 (2) (a) 2. (intro.) The source, ~~without~~ considering air pollution control equipment, is capable of emitting an air contaminant for which the area is classified as an attainment area as follows:

SECTION 627jt. 144.391 (2) (ae) of the statutes is created to read:

144.391 (2) (ae) *Attainment area new major source.* An attainment area major source is a new source if, at the time application is made for an air pollution control permit, the department determines that when the source will commence operation following construction, reconstruction or replacement, it will be located in an attainment area or may affect significantly the air quality in an attainment area, and if:

1. 'Construction.' Construction of the source commences after the effective date of this act (1979);
2. 'Reconstruction.' Reconstruction of the source commences after the effective date of this act (1979); or
3. 'Replacement.' Replacement of the source commences after the effective date of this act (1979).

SECTION 627jv. 144.391 (2) (am) of the statutes is created to read:

144.391 (2) (am) *Attainment area modified major source.* An attainment area major source is a modified source if, at the time application is made for an air pollution control permit, the department determines that when the source will commence operation following modification, it will be located in an attainment area or may affect significantly the air quality in an attainment area, and if modification of the source commences after January 1, 1980.

SECTION 627jx. 144.391 (2) (as) of the statutes is created to read:

144.391 (2) (as) *Attainment area existing major source.* An attainment area major source is an existing source if it is not a new source and it is not a modified source.

SECTION 627mb. 144.391 (2) (b) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.391 (2) (b) (title) *Attainment area major source construction or new operation permit.* 1. (title) 'Construction permit.' ~~After January 1, 1980, no~~ No person may commence construction of ~~a new stationary source, reconstruction or replacement~~ or commence modification of ~~an existing stationary source if that source is an attainment area~~ major source unless the person has a permit from the department.

2. (title) 'New operation permit.' No person may operate ~~a stationary source for which construction commenced after January 1, 1980, or operate an existing source for which modification commenced after January 1, 1980, if that source is an attainment area new~~ major source or operate an attainment area modified major source unless the person has a

permit from the department. ~~This subdivision is applicable only if required under the federal clean air act.~~

SECTION 627md. 144.391 (2) (bm) of the statutes is created to read:

144.391 (2) (bm) *Mandatory operation permit for attainment area existing major source.* No person may operate an attainment area existing major source after the operation permit requirement date specified under s. 144.374 (1) unless the person has an operation permit from the department.

SECTION 627mf. 144.391 (2) (c) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.391 (2) (c) (title) *Elective operation permit for attainment area existing major source.* ~~After July 29, 1979, a~~ A person may apply for a permit for the operation of one or more points of emission from ~~an existing stationary source if the source is an attainment area existing major source even if no permit is required under par. (b) or (bm).~~ an existing stationary source if the source is an attainment area existing major source even if no permit is required under par. (b) or (bm). No person may operate a source under an emission reduction option program unless the person has an operating operation permit for the source from the department. If a person elects to apply for an operating elective operation permit, the source may not be operated without that permit beginning on the date the permit is first issued and the source may not be withdrawn from this permit program.

SECTION 627mh. 144.391 (3) (ae) of the statutes is created to read:

144.391 (3) (ae) *New minor source.* A minor source is a new source if:

1. 'Construction.' Construction of the source commences after the effective date of this act (1979); or
2. 'Replacement.' Replacement of the source commences after the effective date of this act (1979).

SECTION 627mk. 144.391 (3) (am) of the statutes is created to read:

144.391 (3) (am) *Modified minor source.* A minor source is a modified source if modification of the source commenced after the effective date of this act (1979).

SECTION 627mn. 144.391 (3) (as) of the statutes is created to read:

144.391 (3) (as) *Existing minor source.* A minor source is an existing source if it is not a new source and it is not a modified source.

SECTION 627mp. 144.391 (3) (b) (title) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.391 (3) (b) (title) *Minor source construction or new operation permit.*

SECTION 627mr. 144.391 (3) (b) of the statutes, as created by chapter 34, laws of 1979, is renumbered 144.391 (3) (b) 1 and amended to read:

144.391 (3) (b) 1. (title) 'Construction permit.' ~~After July 29, 1979, no~~ No person may commence construction of a ~~new stationary source or replacement~~ new stationary source or replacement or commence modification of an ~~existing stationary source if that source is a minor source unless the person has a permit from the department or unless the source is in a class exempted by rule of the department.~~ existing stationary source if that source is a minor source unless the person has a permit from the department or unless the source is in a class exempted by rule of the department.

SECTION 627mt. 144.391 (3) (b) 2 of the statutes is created to read:

144.391 (3) (b) 2. 'New operation permit.' No person may operate a new minor source or operate a modified minor source unless the person has a permit from the department. This subdivision does not apply if the person applies for a construction permit for the source prior to the effective date of this act (1979).

SECTION 627mv. 144.391 (3) (bm) of the statutes is created to read:

144.391 (3) (bm) *Mandatory operation permit for existing minor source.* No person may operate an existing minor source after the operation permit requirement date specified under s. 144.374 (1) unless the person has an operation permit from the department.

SECTION 627mx. 144.391 (3) (c) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.391 (3) (c) (title) *Elective operation permit for existing minor source.* ~~After July 29, 1979, a~~ A person may apply for a permit for the operation of one or more points of emission from an existing ~~stationary source if the source is a~~ minor source. No person may operate a source under an emission reduction option program unless the person has an ~~operating operation~~ permit for the source from the department. If a person elects to apply for an ~~operating~~ elective operation permit, the source may not be operated without that permit beginning on the date the permit is first issued and the source may not be withdrawn from this permit program.

SECTION 627mz. 144.391 (4) of the statutes, as created by chapter 34, laws of 1979, is repealed and recreated to read:

144.391 (4) EXEMPTION FROM PERMIT REQUIREMENTS FOR CERTAIN MODIFICATIONS.

(a) *Routine maintenance or repair exempt.* Routine maintenance or repair of a source is an exempt modification.

(b) *Specified changes in operations exempt under certain circumstances.* 1. A specified change in operation listed under par. (c) is an exempt modification if the specified change does not violate any condition of a permit, plan approval or special order applicable to the source.

2. If no permit is applicable to the source, a specified change in operation listed under par. (c) is an exempt modification if the specified change does not cause or exacerbate the violation of an ambient air quality standard and the specified change does not cause or exacerbate the violation of an ambient air quality increment.

(c) *Specified changes in operation.* A specified change in operation is:

1. An increase in production rate if that increase does not exceed the operating design capacity of the source.

2. An increase in the hours of operation of the source.

3. Use of an alternate fuel or raw material if the source is designed to burn or use the alternate fuel or raw material and if that information is included in the plans, specifications and other information submitted under s. 144.392 (2) or under s. 144.39 (1), 1977 stats.

4. Resumption of operation of a source after a period of closure if the existing equipment was continuously included in the source inventory as an existing source covered by plans under s. 144.31 (1) (f).

5. A change in ownership of the source.

(d) *Exempt from permit requirements.* Notwithstanding sub. (1) (b), (2) (b) or (3) (b), no permit is required to commence modification and no additional permit is required to operate a modified source if the modification is an exempt modification.

SECTION 627nb. 144.392 (1) of the statutes, as created by chapter 34, laws of 1979, is renumbered 144.392 (1m) and amended to read:

144.392 (1m) APPLICANT NOTICE REQUIRED. A person who is required to obtain or who seeks an air pollution control permit shall ~~notify~~ apply to the department ~~of the proposed construction, modification or operation of~~ for a permit to construct, reconstruct, replace, modify or operate the stationary source.

SECTION 627nd. 144.392 (1) of the statutes is created to read:

144.392 (1) APPLICABILITY. This section does not apply to a mandatory operation permit for an existing source.

SECTION 627nf. 144.392 (2) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.392 (2) **PLANS, SPECIFICATIONS AND OTHER INFORMATION.** Within 20 days after receipt of the ~~notice~~ application the department shall indicate the plans, specifications and any other information necessary to determine if the proposed construction, reconstruction, replacement, modification or operation will meet the requirements of ss. 144.30 to 144.426 and ~~144.54~~ 144.96 and rules promulgated under these sections.

SECTION 627nh. 144.392 (3) (intro.), (a) and (b) of the statutes, as created by chapter 34, laws of 1979, are amended to read:

144.392 (3) **ANALYSIS.** (intro.) The department shall prepare an analysis regarding the effect of the proposed construction, reconstruction, replacement, modification or operation on ambient air quality and a preliminary determination on the approvability of the permit application, within the following time periods after the receipt of the plans, specifications and other information:

(a) (title) *Major source construction or new operation permits.* For ~~mandatory~~ major source construction or new operation permits, within 120 days.

(b) (title) *Minor source construction or new operation permits.* For ~~mandatory~~ minor source construction or new operation permits, within 30 days.

SECTION 627nj. 144.392 (3) (c) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.392 (3) (c) (title) *Elective operation permit.* For an ~~existing source operating~~ elective operation permit for an existing source, within 240 days.

SECTION 627nm. 144.392 (4) (b) (intro.) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.392 (4) (b) *Availability.* (intro.) The department shall make available for public inspection in each area where the source would be constructed, reconstructed, replaced, modified or operated the following:

SECTION 627np. 144.392 (5) (a) (intro.) and (b) (intro.) of the statutes, as created by chapter 34, laws of 1979, are amended to read:

144.392 (5) (a) *Distribution of notice required.* (intro.) The department shall distribute a notice of the proposed construction, reconstruction, replacement, modification or operation, a notice of the department's analysis and preliminary determination, a notice of the opportunity for public comment and a notice of the opportunity to request a public hearing to:

(b) *Announcement required.* (intro.) The department shall circulate an announcement sheet containing a brief description of the proposed construction, reconstruction, replacement, modification or operation, a brief description of the administrative procedures to be followed, the date by which comments are to be submitted to the department and the location where the department's analysis and preliminary determination are available for review to:

SECTION 627nr. 144.392 (6) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.392 (6) **PUBLIC COMMENT.** The department shall receive public comments on the proposed construction, reconstruction, replacement, modification or operation and on the analysis and preliminary determination for a 30-day period beginning when the department gives notice under sub. (5) (c).

SECTION 627nt. 144.392 (8) (a) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.392 (8) (a) *Criteria; considerations.* The department may approve the permit application and issue a permit according to the criteria established under s. 144.393 ~~con-~~
~~sidering~~ after consideration of the comments received under subs. (6) and (7) and after
consideration of the environmental impact as required under s. 1.11.

SECTION 627nv. 144.392 (8) (b) of the statutes, as created by chapter 34, laws of 1979, is repealed and recreated to read:

144.392 (8) (b) *Time limits.* 1. The department shall act on a construction or new operation permit application within 60 days after the close of the public comment period or the public hearing, whichever is later, unless compliance with s. 1.11 requires a longer time. For an attainment area new major source, the department shall complete its responsibilities under s. 1.11 within one year.

2. The department shall act on an elective operation permit for an existing source within 120 days after the close of the public comment period or the public hearing, whichever is later, unless compliance with s. 1.11 requires a longer time.

SECTION 627p. 144.392 (9) of the statutes is created to read:

144.392 (9) MINING HEARING. If a hearing on the air pollution control permit is conducted as a part of a hearing under s. 144.836, the notice, comment and hearing provisions in that section supersede the provisions of subs. (4) to (8).

SECTION 627qb. 144.3925 of the statutes is created to read:

144.3925 Mandatory operation permit for existing sources; application and review. (1) **APPLICANT NOTICE REQUIRED.** A person who is required to obtain a mandatory operation permit for an existing source shall apply to the department for the permit on or before the mandatory operation permit application date specified under s. 144.374 (2). The department shall specify by rule the content of applications under this subsection. The department shall consider the availability of existing information when requesting application information from the source.

(2) **PLANS, SPECIFICATIONS AND OTHER INFORMATION.** Within 20 days after receipt of the application the department shall indicate any additional information required under sub. (1) necessary to determine if the source, upon issuance of the permit, will meet the requirements of ss. 144.30 to 144.426 and 144.96 and rules promulgated under those sections.

(3) **NOTICE; ANNOUNCEMENT; NEWSPAPER NOTICE.** (a) *Distribution of notice required.* The department shall distribute a notice of a mandatory operation permit for an existing source, a notice of the opportunity for public comment and a notice of the opportunity to request a public hearing to the persons listed under s. 144.392 (5) (a) 1 to 5.

(b) *Announcement required.* The department shall circulate an announcement sheet containing a brief description of the mandatory operation permit application for an existing source, a brief description of the administrative procedures to be followed and the date by which comments are to be submitted to the department to the persons listed under s. 144.392 (5) (b) 1 to 3.

(c) *Newspaper notice.* The department shall publish a class 1 notice under ch. 985 announcing the opportunity for written public comment and the opportunity to request a public hearing on the application for a mandatory operation permit for an existing source.

(4) **PUBLIC COMMENT.** The department shall receive public comment on the application for a 30-day period beginning when the department gives notice under sub. (3) (c).

(5) **PUBLIC HEARING.** (a) *Hearing permitted.* The department may hold a public hearing on an application for a mandatory operation permit for an existing source if requested by a person, any affected state or the U.S. environmental protection agency within 30 days after the department gives notice under sub. (3) (c). A request for a public hearing shall indicate the interest of the party filing the request and the reasons

why a hearing is warranted. The department shall hold the public hearing within 60 days after the deadline for requesting a hearing if it deems that there is a significant public interest in holding the hearing.

(b) *Procedure.* The department shall promulgate by rule procedures for conducting public hearings under this subsection. Hearings under this subsection are not contested cases under s. 227.01 (2).

(6) DEPARTMENT DETERMINATION; ISSUANCE. The department shall approve the mandatory operation permit application for an existing source and issue the permit according to the criteria established under ss. 144.393 and 144.3935.

(7) OPERATION CONTINUED DURING APPLICATION. If a person applied to the department for a permit for a source under sub. (1), the source may not be required to discontinue operation for lack of a permit until the department acts under sub. (6).

SECTION 627qd. 144.393 (1) (a), (b) and (d) of the statutes, as created by chapter 34, laws of 1979, are amended to read:

144.393 (1) (a) *Source will meet emission limitations.* The source will meet all applicable emission limitations promulgated under ss. 144.30 to 144.426, standards of performance for new stationary sources promulgated under section 111 of the federal clean air act s. 144.375 (4) and national emission standards for hazardous pollutants promulgated air contaminants under section 112 of the federal clean air act s. 144.375 (5);

(b) *Source will not violate or exacerbate violation of air quality standard or ambient air increment.* The source will not cause or exacerbate a violation of any ambient air quality standard or ambient air increment under s. 144.375 (1) or (2);

(d) *Source will not preclude construction or operation of other source.* The source will not degrade the air quality in an area sufficiently to prevent the construction, reconstruction, replacement, modification or operation of another source if the department received plans, specifications and other information under s. 144.392 (2) for the other source prior to commencing its analysis under s. 144.392 (3) for the former source. This paragraph does not apply to an existing source required to have a mandatory operation permit.

SECTION 627qf. 144.393 (2) (intro.) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.393 (2) (title) REQUIREMENTS FOR NONATTAINMENT AREA MAJOR SOURCE CONSTRUCTION OR NEW OPERATION PERMITS. (intro.) The department may approve the application for a nonattainment area mandatory major source construction or new operation permit if the department finds the source meets the requirements under sub. (1) and it finds:

SECTION 627qh. 144.393 (2) (d) of the statutes is created to read:

144.393 (2) (d) *Analysis of alternatives.* Based on an analysis of alternative sites, sizes, production processes and environmental control techniques for any source which is a major source based upon its emissions of carbon monoxide or volatile organic compounds and is located in an area designated under section 172 (a) (2) of the federal clean air act, that the benefits of the construction or modification of the source significantly outweigh the environmental and social costs imposed as a result of the source's location, construction or modification.

SECTION 627qk. 144.393 (3) (intro.) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.393 (3) (title) REQUIREMENTS FOR ATTAINMENT AREA MAJOR SOURCE CONSTRUCTION OR NEW OPERATION PERMITS. (intro.) The department may approve the application for an attainment area mandatory major source construction or new operation permit if the department finds the source meets the requirements under sub. (1) and it finds:

SECTION 627qm. 144.393 (4) (b) of the statutes, as created in chapter 34, laws of 1979, is amended to read:

144.393 (4) (b) *Not necessary.* The requirement is not necessary to ensure that the source will have no adverse effect on air quality if the construction and operation or modification and operation of the source would result in an allowable emission of less than 50 tons per year, less than 1,000 pounds per day or less than 100 pounds per hour of any air contaminant, whichever is most restrictive, but the hourly or daily rates apply only with respect to a pollutant for which an ambient air increment or ambient air quality standard for a period of 24 hours or less is established an amount specified by rule by the department. The department shall submit the notice required under s. 227.018 regarding rules under this paragraph by January 1, 1984.

SECTION 627qp. 144.393 (5) of the statutes is created to read:

144.393 (5) **CONDITIONAL PERMIT.** The department may issue a conditional air pollution control permit even if it finds that the source, as proposed, does not meet the requirements under subs. (1) to (3). If the department issues a conditional permit, it shall prescribe reasonable permit conditions to assure that the source will meet the requirements under subs. (1) to (3) if it is constructed, reconstructed, replaced, modified or operated in accordance with those conditions.

SECTION 627qr. 144.393 (6) of the statutes is created to read:

144.393 (6) **EXEMPTION FROM REQUIREMENTS FOR MODIFICATIONS.** The department may waive a requirement under subs. (1) to (3) if the application is for the modification of a source, the source already has an air pollution control permit and the source already meets the requirements as a condition of that permit.

SECTION 627qt. 144.3935 of the statutes is created to read:

144.3935 Criteria for mandatory operation permits for existing sources. (1) **REQUIREMENTS.** Notwithstanding s. 144.393, the department shall approve the application for a mandatory operation permit for an existing source unless:

(a) *Source likely to violate standards.* The department determines that either:

1. The source is located in a nonattainment area, the source is exceeding an emission limitation for the air contaminant for which the area is nonattainment, this exceedance is likely to be significant or recurring and the exceedance is causing or exacerbating a violation of an ambient air quality standard for the air contaminant for which the area is nonattainment;

2. The source is located in an ozone nonattainment area, the source is exceeding an emission limitation for volatile organic compounds, this exceedance is likely to be significant or recurring and the exceedance is causing or exacerbating a violation of an ozone ambient air quality standard; or

3. The source is located in a nonattainment area, there is no emission limitation applicable to the source for an air contaminant for which the area is nonattainment, the source is causing or exacerbating a violation of an ambient air quality standard for the air contaminant for which the area is nonattainment and the violation is likely to be significant or recurring; or

(b) *Source likely to violate hazardous air contaminant standard.* The department determines that the source is likely to be in significant or recurring violation of a hazardous air contaminant emission limitation.

(2) **ONE-YEAR MORATORIUM ON SUSPENSION OR REVOCATION.** (a) The department may not suspend or revoke a mandatory operation permit for an existing source for one year after the issuance of that permit based upon failure of the source at the time of permit issuance to comply with ss. 144.30 to 144.426 and 144.96 and rules promulgated under these sections.

(b) Notwithstanding par. (a), the department may take any other action necessary to enforce ss. 144.30 to 144.426 and 144.96 and rules promulgated under these sections which apply to the source after issuance of a permit under this section.

SECTION 627qv. 144.394 of the statutes, as created by chapter 34, laws of 1979, is repealed and recreated to read:

144.394 Permit conditions. The department may prescribe conditions for an air pollution control permit to ensure compliance with ss. 144.30 to 144.426 and 144.96 and rules promulgated under these sections if the condition is one of the following and if the condition is applicable to the source:

- (1) Final inspection and release of the project for permanent operation upon completion of construction, reconstruction, replacement or modification.
- (2) Variances, orders or compliance schedules.
- (3) Requirements necessary to assure compliance with s. 144.393.
- (4) Reasonable construction and applicable operating conditions, emission control equipment maintenance requirements and emergency episode plans.
- (5) Emission reduction options.
- (6) Documentation of the allocation of the available air resource.
- (7) The terms of any election by the permit applicant to meet more stringent emission limitations or to limit hourly, daily or annual emissions beyond what is otherwise required or to obtain an emission reduction option.
- (8) Other requirements specified by rule by the department.

SECTION 627qx. 144.395 of the statutes, as created by chapter 34, laws of 1979, is repealed and recreated to read:

144.395 Alteration, suspension and revocation of permits. (1) ALTERATION. The department, after providing written notice to the permit holder and to the persons listed under s. 144.392 (5) (a) 2 to 5, may alter an air pollution control permit if there is or was:

- (a) *Violation.* A significant or recurring violation of any condition of the permit;
- (b) *Change in rules.* 1. A change in any applicable emission limitation, ambient air quality standard or ambient air quality increment that requires either a temporary or permanent reduction or elimination of the permitted emission or allows a temporary or permanent increase of the permitted emission; or
2. A change in any applicable rule promulgated under ss. 144.30 to 144.426 or 144.96;
- (c) *Election.* An election by the permit holder to meet more stringent emission limitations, to limit hourly, daily or annual emissions beyond what is otherwise required or to obtain an emission reduction option;
- (d) *Misrepresentation or failure to disclose.* Any misrepresentation or failure to disclose fully all relevant facts when obtaining the permit; or
- (e) *Reconstruction, replacement or modification.* A reconstruction, replacement or modification of the stationary source.

(2) SUSPENSION OR REVOCATION. The department, after providing written notice to the permit holder and to the persons listed under s. 144.392 (5) (a) 2 to 5, may suspend or revoke an air pollution control permit, part of that permit or the conditions of that permit if there is or was:

- (a) *Violation.* A significant or recurring violation of any condition of the permit which causes or exacerbates a violation of any ambient air quality standard or ambient air increment or which causes air pollution;
- (b) *Misrepresentation or deliberate failure to disclose.* Any misrepresentation or a deliberate failure to disclose fully all relevant facts when obtaining the permit; or

(c) *Failure to pay fees.* Failure to pay the required fee.

(3) **HEARINGS ON ALTERATION, SUSPENSION AND REVOCATION.** Any decision of the department under this section is effective unless the permit holder seeks a hearing on the decision under s. 144.403 (1). If the permit holder files a petition with the department within the time limit specified under s. 144.403 (1) (a), the air pollution control permit remains unaltered and in effect until 10 days after service of the decision issued under s. 144.403 (1) on the matter or a later date established by court order.

SECTION 627rb. 144.396 of the statutes, as created by chapter 34, laws of 1979, is repealed and recreated to read:

144.396 Permit duration. (1) **CONSTRUCTION OR MODIFICATION.** A construction or modification permit is valid for 18 months from the date of issuance of the permit unless the permit is revoked or suspended. The department may extend the term of the permit for the purposes of commencing construction, reconstruction, replacement or modification.

(2) **OPERATION.** An operation permit continues to be valid following the date of issuance unless revoked or suspended and does not need to be renewed.

SECTION 627rd. 144.397 of the statutes, as created by chapter 34, laws of 1979, is repealed and recreated to read:

144.397 Operation permit review. (1) **DEPARTMENT TO REVIEW OPERATION PERMITS.** At least once every 5 years and not more than once every 2 years, the department shall review the operation permit under this section. The department may use information received in public comments or at the public hearing as the basis to initiate a proceeding under s. 144.395 to alter, suspend or revoke the permit.

(2) **NOTICE; NEWSPAPER NOTICE.** (a) *Distribution of notice required.* The department shall distribute a notice of the permit review, a notice of the opportunity for public comment and a notice of the opportunity to request a public hearing to the permit holder and to the persons listed under s. 144.392 (5) (a) 2 to 5. The notice shall indicate the date by which comments are to be submitted to the department.

(b) *Newspaper notice.* Before reviewing an air pollution control permit the department shall publish a class 1 notice under ch. 985 announcing the opportunity for written public comment and the opportunity to request a public hearing on the permit review.

(3) **PUBLIC COMMENT.** The department shall receive public comment on the permit review for a 30-day period beginning when the department gives notice under sub. (2) (b).

(4) **PUBLIC HEARING.** (a) *Hearing permitted.* The department may hold a public hearing on the permit if requested by a person, any affected state or the U.S. environmental protection agency within 30 days after the department gives notice under sub. (2) (b). A request for a public hearing shall indicate the interest of the party filing the request and the reasons why a hearing is warranted. The department shall hold the public hearing within 60 days after the deadline for requesting a hearing if it deems that there is a significant public interest in holding the hearing.

(b) *Procedure.* The department shall promulgate by rule procedures for conducting public hearings under this subsection. Hearings under this subsection are not contested cases under s. 227.01 (2).

SECTION 627rf. 144.399 (1) (a) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

144.399 (1) (a) (title) *Application.* Reviewing and acting upon any application for an air pollution control permit ~~or an air pollution control permit renewal~~; and

SECTION 627rh. 144.399 (3) and (4) of the statutes are created to read:

144.399 (3) EXEMPTIONS. (a) *Application fee.* Notwithstanding sub. (1) (a), the department may not charge a fee for reviewing and acting upon any application for a mandatory operation permit for an existing source.

(b) *Implementation and enforcement fee.* Notwithstanding sub. (1) (b), the department may not charge an annual fee for implementing and enforcing an air pollution control permit greater than \$200 for a minor source or greater than \$500 for a major source.

(4) INFORMATION ON FEES. In promulgating rules under sub. (1), the department shall provide information on the costs upon which the proposed fees are based.

SECTION 627rj. 144.403 (intro.), (1) and (2) of the statutes, as created by chapter 34, laws of 1979, are renumbered 144.403 (1) (intro.), (a) and (b), and 144.403 (1) (intro.), as renumbered, is amended to read:

144.403 (1) (title) PERMIT HOLDER; PERMIT APPLICANT; ORDER RECIPIENT. (intro.) Any permit, part of a permit, order, decision or determination by the department under ss. 144.391 to 144.402 shall become effective unless the permit holder or applicant or the order recipient seeks a hearing on the action in the following manner:

SECTION 627rm. 144.403 (2) of the statutes is created to read:

144.403 (2) OTHER PERSONS. Any person who is not entitled to seek a hearing under sub. (1) (intro.) and who meets the requirements of s. 227.064 (1) may seek review under sub. (1) of any permit, part of a permit, order, decision or determination by the department under ss. 144.391 to 144.402.

SECTION 627t. 144.403 (3) of the statutes is created to read:

144.403 (3) MINING HEARING. Subsections (1) and (2) do not apply if a hearing on the matter is conducted as a part of a hearing under s. 144.836.

SECTION 628. Subchapter IV (title) of chapter 144 of the statutes is created to read:

CHAPTER 144

SUBCHAPTER IV

SOLID WASTE, HAZARDOUS WASTE AND REFUSE

(to precede s. 144.43 (intro.) as created by chapter 34, laws of 1979)

SECTION 628mp. 144.438 of the statutes is created to read:

144.438 Exemption for certain alcohol fuel production systems. (1) DEFINITIONS. As used in this section:

(a) "Distillate waste product" means solid, semisolid or liquid by-products or wastes from the distillation or functionally equivalent process of an alcohol fuel production system.

(b) "Environmentally sound storage facility" means a facility, including a holding lagoon, which is used to store distillate waste products so that no waste products from the facility enter or leech into the waters of the state.

(c) "Private alcohol fuel production system" means an alcohol fuel production system from which no alcohol is sold and from which all the alcohol is used as a fuel by the owner.

(2) EXEMPTION. No permit, license or plan approval is required under this chapter for the owner of a private alcohol fuel production system to establish, construct or operate a system for the treatment, storage or disposal of distillate waste products if the distillate waste product is stored in an environmentally sound storage facility and disposed of using an environmentally safe land spreading technique and the storage, treatment or disposal is confined to the property of the owner.

SECTION 629m. 144.44 (2) (b) and (d) to (f) of the statutes are amended to read:

144.44 (2) (b) The feasibility report shall be submitted by a registered professional engineer, ~~when~~ if deemed necessary by the department, ~~and~~. The report shall include a general summary of the site characteristics as well as any specific data the department by rule requires regarding the site's topography, soils, geology, ground and surface waters and other features of the site and surrounding area. The report shall also include preliminary engineering design concepts including the proposed design capacity of the site and an indication of the quantities and characteristics of the wastes to be disposed of. The department shall, by rule, shall specify the minimum contents of feasibility reports and no report shall may be deemed complete unless the specified information is provided by the applicant. The rules may specify special requirements for feasibility reports relating to sites for the treatment, storage or disposal of hazardous waste. The applicant shall send a copy of the report to the clerk of any county, city, village or town with zoning jurisdiction over the proposed site, to the clerk of any county, city, village or town within whose boundaries any portion of the proposed site will be located, and to the main public library of each county or municipality with zoning jurisdiction over the proposed site, within whose boundaries any portion of the proposed site will be located. Within ~~30~~ 60 days after a feasibility report is submitted, the department shall either publish notice under par. (d) or notify the applicant in writing that the report is not complete, specifying the information which must be submitted before the report is deemed complete.

(d) Within ~~30~~ 60 days after a complete feasibility report is filed, the department shall publish a class 1 notice under ch. 985, in the official newspaper designated under s. 985.04 or 985.05, or, if none exists, in a newspaper likely to give notice in the area of the proposed site or facility. The notice shall include the department's preliminary determination on the need for an environmental impact statement under s. 1.11. The notice shall invite the submission of written comments by any person within 30 days from the time the notice is published, and shall describe the method by which a hearing may be demanded under par. (e). The department shall also send a copy of the notice and of the general summary of the report to the clerk of any county, city, village or town with zoning jurisdiction over the proposed site, to the clerk of any county, city, village or town within whose boundaries any portion of the proposed site will be located, or which could be substantially affected by the operation of the proposed site, and to the main public library of each county or municipality with zoning jurisdiction over the proposed site, within whose boundaries any portion of the proposed site will be located, or which could be substantially affected by the operation of the proposed site.

(e) Within 30 days after the notice required under par. (d) is published, a written demand for a hearing on the matter may be filed by any county, city, village or town, or by any 6 persons. The demand shall indicate the interests of the municipality or persons who file it and state the reasons why the hearing is demanded. A hearing demanded under this paragraph shall be conducted as provided under s. 227.022 and shall be held within 60 days after the deadline for demanding a hearing and shall be conducted as provided in s. 227.022 unless an environmental impact statement is required under s. 1.11. If an environmental impact statement is required, this hearing shall be held concurrently with the hearing on the environmental impact statement. The hearing shall be held in an appropriate place designated by the department in one of the counties, cities, villages or towns which could be substantially affected by the operation of the proposed site. If the feasibility report indicates the probability that approval of the site feasibility cannot be given until an environmental impact statement is prepared or if the department intends to require an environmental impact report under s. 23.11 (5), the department shall notify the applicant of that fact and commence the process required under s. 1.11.

(f) ~~Within 1. Except as provided under subd. 2, within 120 days after the submission of a complete feasibility report under par. (a), or within 60 days after any hearing demanded under par. (e) is adjourned or within 90 days after the completion of any environmental impact statement process required under s. 1.11, whichever is later, the department shall issue a written determination of site feasibility, stating the findings of fact and conclusions of law upon which the determination is based. If the feasibility report indicates the probability that plan approval for the site under sub. (3) cannot be given until an environmental impact statement has been prepared, or if the department intends to require submission of an environmental impact report under s. 23.11 (5), the department shall notify the applicant of that fact and commence the process required under s. 1.11.~~

2. If approval of the site feasibility is required under s. 196.491 (2m), the time limits under s. 196.491 (3) (f) and (ff) apply.

3. Any determination made under this subsection may be conditioned upon the design, operational or other requirements deemed necessary to be included in the plan submitted under sub. (3). A favorable determination issued under this subsection shall specify the design capacity of the proposed site, constitutes approval of the site for the purpose intended and entitle entitles the applicant to submit a plan of operation under sub. (3). A determination under this subsection does not constitute a major state action under s. 1.11 (2).

SECTION 629n. 144.44 (2) (g) of the statutes is created to read:

144.44 (2) (g) If a hearing on the feasibility report is conducted as a part of a hearing under s. 144.836, notice and hearing provisions in that section supersede the notice and hearing provisions of pars. (d) to (f).

SECTION 630e. 144.44 (3) (c) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

144.44 (3) (c) Within 90 days after a complete plan of operation is submitted or within 90 days after the department has issued any environmental impact statement required under s. 1.11, whichever is later, the department shall either approve or disapprove the plan in writing. The determination of the department shall be based upon compliance with the standards established under s. 144.435 or, in the case of hazardous waste treatment, storage or disposal sites, with the rules and standards established under s. 144.62. No plan for a site or facility for the disposal of solid or hazardous waste may be approved unless the applicant submits a bond, deposit, proof of an established escrow account or other proof of financial responsibility satisfactory to the department ensuring that the applicant and any successor in interest will comply with the closure and long-term care requirements of the plan. An approval may be conditioned upon any requirements necessary to comply with the standards. Any approval may be modified by the department upon application of the licensee if newly discovered information indicates that the modification would not inhibit compliance with the standards adopted under s. 144.435 or, if applicable, s. 144.62. If the plan approval has been listed as required for the construction of an electric generating facility under s. 196.491 (2m), the time limits provided in s. 196.491 (3) (f) and (ff) shall take precedence over those provided in this paragraph. A determination under this subsection does not constitute a major state action under s. 1.11 (2).

SECTION 630f. 144.44 (3) (e) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

144.44 (3) (e) Failure to operate in accordance with the approved plan shall subject subjects the operator to enforcement under s. 144.423, or, if the department establishes that any failure to operate in accordance with the approved plan is grievous and continuous, to suspension, revocation or denial of the annual operating license under sub. (4).

SECTION 630g. 144.44 (4) (a) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

144.44 (4) (a) No person may maintain or operate a site or facility for the disposal of solid waste or the treatment, storage or disposal of hazardous waste, unless the person ~~has obtained~~ obtains an operating license from the department. ~~The license shall be issued no more frequently than annually and may be denied, suspended or revoked department shall issue an operating license with a duration of one year or more except that the department may issue an initial license with a duration of less than one year. The department may deny, suspend or revoke an operating license for failure to pay the fees required under s. 144.441 (2) (c) or (3) or for grievous and continuous failure to comply with the approved plan of operation under sub. (3) or, if no plan of operation exists with regard to the site or facility, for grievous and continuous failure to comply with the standards adopted under s. 144.435. If the license application is for a site for the disposal of solid waste resulting from mining operations in existence on May 21, 1978, the department shall make any determination with respect to whether disposal is being undertaken in an environmentally sound manner and shall administer compliance with the licensing requirement of this subsection in a manner which, with respect to nonhazardous solid waste, does not require substantial structural modification of the existing site, expenditure which is not appropriate for the nonhazardous nature of the waste or interruption of the mining operation. A determination under this subsection does not constitute a major state action under s. 1.11 (2).~~

SECTION 630q. 144.441 (2) (c) of the statutes is amended to read:

144.441 (2) (c) If the approved plan of operation for a site so indicates, or if the owner of a site so requests and the department approves, the owner's responsibility for long-term care of the site shall terminate 20 years after closing of the site unless the owner's responsibility is terminated sooner under par. (d). ~~With respect to such sites, the fees imposed under sub. (3) (b) shall be 3.5 cents per ton and the fees imposed under sub. (3) (c) shall be 35 cents per ton.~~

SECTION 630r. 144.441 (3) (a) of the statutes, as affected by chapter 142, laws of 1979, is amended to read:

144.441 (3) (a) Each owner or operator of a licensed site for the land disposal of solid waste or the disposal of hazardous waste shall periodically pay to the department a fee for each ton, or equivalent volume as determined by rule of the department, of solid waste received and disposed of at the site during the preceding reporting period. Solid waste materials approved by the department for lining or capping or for constructing berms, dikes or roads within a site for the land disposal of solid waste are not subject to the fee imposed under this paragraph. ~~The department shall reduce or waive the fees for solid waste resulting from mining if it determines that the reclamation bonding and other requirements of ss. 144.81 to 144.94 are sufficient to accomplish the purposes of this subsection. The fees shall be paid into the waste management fund to be used for the purposes specified in par. (e) (g). Whenever the investment board certifies to the department that the balance in the waste management fund exceeds \$15,000,000, this paragraph shall not apply to any site which is operating under its 6th or subsequent annual license until the investment board certifies to the department that the balance in the waste management fund is less than \$12,000,000.~~

SECTION 630s. 144.441 (3) (d) of the statutes is renumbered 144.441 (3) (g).

SECTION 630t. 144.441 (3) (d) to (f) of the statutes are created to read:

144.441 (3) (d) With respect to a site under sub. (2) (c), the fee imposed under par. (a) is 3.5 cents per ton for solid waste and for any hazardous wastes which are excluded from the fee specified under par. (e) [.]

(e) With respect to a site under sub. (2) (c), the fee imposed under par. (a) is 35 cents per ton for hazardous wastes other than ashes and sludges from electric and process steam generating facilities, sludges produced by waste treatment or manufacturing processes at pulp or paper mills, manufacturing process solid wastes from foundries, or sludges produced by municipal wastewater treatment facilities.

(f) Notwithstanding pars. (b) to (e), with respect to prospecting or mining waste, the fee imposed under par. (a) is:

1. For hazardous tailing solids, 1.5 cent per ton.
2. For nonhazardous tailing solids or for nonacid producing taconite tailing solids, 0.2 cent per ton.
3. For hazardous sludge, one cent per ton.
4. For nonhazardous sludge, 0.5 cent per ton.
5. For hazardous waste rock, 0.3 cent per ton.
6. For nonhazardous waste rock or for nonacid producing taconite waste rock, 0.1 cent per ton.
7. For any prospecting or mining waste not specified under subs. 1 to 6, 0.5 cent per ton.

SECTION 631m. 144.48 of the statutes is created to read:

144.48 Waste oil collection and recycling. (1) DEFINITIONS. As used in this section, unless the content requires otherwise:

(a) "Automotive engine oil" means any oil to be used in the engine or crankcase of a motor vehicle.

(b) "Consumer" means a person who, for personal or family purposes, purchases or uses automotive engine oil or generates, collects, stores or transports engine waste oil in quantities of less than 200 gallons per year.

(c) "Engine waste oil" means automotive engine oil after it is used and removed from the engine or crankcase of a motor vehicle but before that oil is recycled.

(d) "Fuel oil" means any oil to be burned to produce heat.

(e) "Motor vehicle" means any vehicle propelled by an internal combustion engine and includes any automobile, truck, bus, motorcycle, snowmobile or vehicle which travels on or off roads or highways.

(f) "Reclaimed oil" means engine waste oil which is processed by settling, dehydration, filtration or mixing, or combinations of those procedures, which removes some of the harmful physical and chemical characteristics which are acquired through use.

(g) "Recycled oil" means re-refined oil or reclaimed oil.

(h) "Re-refined oil" means engine waste oil which is processed by high temperature distillation and chemical treatment or any other process which removes all harmful physical and chemical characteristics acquired through use.

(i) "Retail sales establishment" means a person who is engaged in the business of selling automotive engine oil to consumers.

(j) "Service establishment" means a person who is engaged in the business of servicing and removing automotive engine oil from motor vehicles for consumers.

(k) "Waste oil" means any oil after use or which is contaminated through storage or handling before that oil is recycled.

(2) WASTE OIL COLLECTION. (a) *Retail sales establishment.* A retail sales establishment:

1. Shall maintain an engine waste oil collection facility for the temporary storage of engine waste oil returned by consumers and post at least one sign at the location of sale which contains wording similar to: "Engine waste oil collection facility. Please return your waste oil here."; or

2. Shall post at least one sign at the location of sale which contains wording similar to: "Engine waste oil can be recycled. Please return your waste oil to a waste oil storage facility. The nearest waste oil storage facility is located and is open". The sign shall describe the location and the days and hours of operation.

(b) *Approved waste oil collection facilities.* The department shall establish by rule standards for the approval of certain types of facilities to be used for engine waste oil collection.

(c) *Exemption.* A retail sales establishment which maintains an engine waste oil collection facility of a type approved by the department is exempt from the requirements of ss. 144.44, 144.46, 144.63 and 144.64 and rules promulgated under those sections with respect to that facility.

(d) *Compliance with solid and hazardous waste regulations.* Except as provided under par. (c), no person may maintain or operate an engine waste oil collection facility unless the person complies with the requirements of ss. 144.43 to 144.47 and 144.60 to 144.74 and rules promulgated under those sections with respect to that facility.

(3) WASTE OIL STORAGE FACILITIES. (a) *Required storage facilities.* 1. As used in this paragraph, "adequate engine waste oil storage facilities" means at least the minimum number of separate engine waste oil storage facilities each with a capacity of at least 250 gallons, approved by the department and accessible to the public. The department shall establish standards for the approval of certain types of facilities to be used for engine waste oil storage. These standards may allow the same facility to serve as an engine waste oil collection facility and an engine waste oil storage facility.

2. The minimum number of engine waste oil facilities for a city, village or town located in a county with a population of 50,000 or more is:

a. Zero if the population is less than 3,500.

b. One if the population is at least 3,500 but less than 25,000.

c. Two if the population is at least 25,000 but less than 100,000.

d. Three if the population is at least 100,000, plus one for each additional 100,000 of population.

3. The minimum number of engine waste oil storage facilities for a county with a population under 50,000 is one.

4. A city, village or town located in a county with a population of 50,000 or more shall provide for adequate engine waste oil storage facilities if these facilities do not exist.

5. A county with a population of less than 50,000 shall provide for an adequate engine waste oil storage facility if a facility does not exist.

(b) *Exemption.* A municipality which submits and obtains approval from the department for an informal plan of operation for an engine waste oil storage facility and which constructs, maintains or provides for an engine waste oil storage facility of a type approved by the department is exempt from the requirements of ss. 144.44, 144.46, 144.63 and 144.64 and rules promulgated under those sections with respect to that facility. The informal plan of operation shall contain the information and be in a form approved by the department but is not required to be prepared by a registered professional engineer.

(c) *Compliance with solid and hazardous waste regulations.* Except as provided under par. (b), no person may maintain or operate a site or facility for the storage of engine waste oil unless the person obtains a license and complies with the requirements of

ss. 144.43 to 144.47 and 144.60 to 144.74 and rules promulgated under those sections with respect to that site or facility.

(4) WASTE OIL TRANSPORTATION. (a) *Exemptions.* 1. The department shall exempt a consumer from the licensing and other requirements of s. 144.64 and rules promulgated under that section for the transportation of engine waste oil.

2. The department may exempt a retail sales establishment or a service establishment from the licensing and other requirements of s. 144.64 and rules promulgated under that section for the transportation of engine waste oil.

(b) *Compliance with solid and hazardous waste regulations.* Except as provided under par. (a), no person may transport waste engine oil unless the person obtains a license and complies with the requirements of ss. 144.43 to 144.47 and 144.60 to 144.74 and rules promulgated under those sections with respect to the transportation of the waste engine oil.

(c) *Collection and transportation service.* A person who collects and transports waste oil for sale or transfer to waste oil recyclers or for other approved methods of disposal shall obtain a license and comply with the requirements of ss. 144.43 to 144.47 and 144.60 to 144.74 and rules promulgated under these sections. When issuing the license under s. 144.64, the department shall require any person who collects and transports waste oil to provide services to any collection or storage facility within his or her geographic area which has accumulated 200 gallons or more of engine waste oil. The department may revoke a license issued under s. 144.64 if a person who collects and transports waste oil fails to provide services to collection or storage facilities within his or her geographic area which have accumulated 200 gallons or more of engine waste oil.

(5) WASTE OIL RECYCLING. No person may maintain or operate a site or facility for the recycling of engine waste oil unless the person obtains a license and complies with the requirements of ss. 144.43 to 144.47 and 144.60 to 144.74 and rules promulgated under those sections with respect to that site or facility.

(6) SALE OF RECYCLED OIL. (a) *Re-refined oil.* No person may sell or possess with the intent to sell any re-refined oil unless the container clearly and prominently states on the front panel "RE-REFINED OIL" and unless the container complies with the labeling standards established by the federal trade commission and the environmental protection agency.

(b) *Reclaimed oil.* No person may sell or possess with intent to sell any reclaimed oil unless the container clearly and prominently states on the front panel "RECLAIMED OIL" and unless the container complies with the labeling standards established by the federal trade commission and environmental protection agency.

(7) STATE CONTRACTS; USE OF RE-REFINED OIL. All contracting agencies of the state shall be encouraged to purchase re-refined oil to be used as automotive engine oil if re-refined oil is available in sufficient supply of comparable quality, satisfies applicable American petroleum institute standards and is available at prices competitive with new oil.

(8) PROMOTION OF RECYCLED OIL. The department, in conjunction with other interested state agencies, shall develop and conduct public information and educational programs regarding the availability of collection facilities, the merits of recycled oil, the need for using recycled oil to maintain oil reserves and the need to minimize the disposal of waste oil in ways harmful to the environment.

SECTION 632. 144.50 of the statutes, as affected by chapters 32, 34 and (Senate Bill 462), laws of 1979, is renumbered 144.79.

SECTION 633. 144.537 of the statutes is renumbered 144.975.

SECTION 634. 144.54 of the statutes, as affected by chapter 34, laws of 1979, is renumbered 144.96.

SECTION 635. 144.55 of the statutes is renumbered 144.03.

SECTION 636. 144.58 of the statutes is renumbered 144.95.

SECTION 637. 144.64 (1) (a) of the statutes is amended to read:

144.64 (1) (a) ~~Commencing 18 months after May 21, 1978, or 6 months after publication of applicable final regulations required under ss. 3003 to 3005 of the resource conservation and recovery act of 1976, P.L. 94-580, whichever is earlier, After 9 months after the effective date of this act (1979), and except as provided under par. (b) and sub. (3) (c) 2,~~ no person may store, transport, treat or dispose of any hazardous waste without a license ~~from issued by the department under this section.~~

SECTION 638. 144.64 (3) of the statutes is amended to read:

144.64 (3) FACILITIES. (a) (title) *Existing solid waste site treated as a new hazardous waste site.* A solid waste treatment, storage or disposal site or facility which is authorized to receive hazardous waste under a license issued under s. 144.44 (4) but which was never licensed under this section shall be treated as an unlicensed proposed site which has not been established or constructed for the purpose of site approval under par. (b) and s. 144.44 (1) to (3), for the purpose of licensing under this subsection and for the purpose of administrative procedure and review under ch. 227.

(b) (title) *Site approval process.* No person may establish or construct a site or facility to treat, store or dispose of hazardous waste unless the person has complied ~~complies~~ with s. 144.44 (1) to (3). ~~No~~

(c) (title) *Operation.* 1. Except as provided under subd. 2, no person may operate any hazardous waste treatment, storage or disposal site or facility without having first obtained an operating a license as provided in s. 144.44 (4). Any issued under this section.

2. A person may operate a solid waste treatment, storage or disposal site or facility which is authorized to receive hazardous waste under a license issued under s. 144.44 (4) even though no license is issued under this section if the person applies for this license and complies with conditions and restrictions prescribed by rule or special order by the department pending the decision on the issuance of the license.

(d) (title) *Fees.* A person who operates a hazardous waste disposal site shall pay the fees specified under s. 144.441 (2) (b) or (3) (e).

SECTION 639. Subchapter V (title) of chapter 144 of the statutes is created to read:

CHAPTER 144

SUBCHAPTER V

MINING

(to precede s. 144.80)

SECTION 639c. 144.836 (1) of the statutes is renumbered 144.836 (1) (a).

SECTION 639g. 144.836 (1) (b) of the statutes is created to read:

144.836 (1) (b) Except as provided in this paragraph, for all department issued approvals, licenses and permits relating to prospecting or mining including solid waste feasibility report approvals and permits related to air and water, to be issued after the effective date of this act (1979), the notice, hearing and comment provisions, if any, and the time for issuance of decisions, shall be controlled by this section and ss. 144.84 and 144.85. If an applicant fails to make application for an approval, license or permit for an activity incidental to prospecting or mining in time for notice under this section to be provided, the notice and comment requirements, if any, shall be controlled by the specific statutory provisions with respect to that application. If notice under those specific statutory notice requirements can be given for consideration of the approval, license or permit at the hearing under this section, the application shall be considered at that hearing; otherwise, the

specific statutory hearing provisions, if any, with respect to that application shall control. The substantive requirements for the issuance of any approval, permit or license incidental to prospecting or mining are not affected by the fact that a hearing on the approval, permit or license [is] conducted as part of a hearing under this section.

SECTION 639k. 144.836 (3) (a) and (b) (intro.) of the statutes are amended to read:

144.836 (3) (a) If it is determined that a statement under s. 1.11 is not required, the hearing shall be scheduled for a date not ~~more~~ less than 60 days nor more than 90 days after the announcement of ~~such~~ that determination, and the scheduling and providing of notice shall be completed not later than 10 days following the announcement. Notice of the hearing shall be given ~~within 15 days following the date of announcement~~ by mailing a copy of the notice to any known state agency required to issue a permit for the proposed operation, to the regional planning commission for the affected area, to the county, city, village and town within which any part of the affected area lies ~~and~~, to all persons who have requested ~~such~~ this notification and, if applicable, to all persons specified under par. (b) 3. Written comments may be submitted to the department within 30 days of the date of notice.

(b) (intro.) If it is determined that a statement under s. 1.11 is required, the department shall hold at least one informational ~~hearing~~ meeting regarding the preliminary environmental report within 60 days of its issuance. The meeting shall be held not sooner than 30 days nor later than 60 days after the issuance of the report. The scheduling and providing of notice of the meeting shall be completed not later than 10 days following the issuance of the preliminary environmental report. A hearing referred to under sub. (1) shall be scheduled for a date not less than 120 days nor more than 180 days after the issuance of the environmental impact statement. ~~Notice~~ The scheduling and providing of notice of the hearing shall be given ~~completed~~ completed within 30 days from the date of issuance of the environmental impact statement. The providing of notice shall be accomplished by:

SECTION 639p. 144.836 (3) (b) 3 of the statutes is created to read:

144.836 (3) (b) 3. Mailing a copy of the notice to the U.S. environmental protection agency, U.S. army corps of engineers and other states potentially affected by the proposed discharge if a water discharge permit under ch. 147 is to be considered at the hearing under this section and to the U.S. environmental protection agency and appropriate agencies in other states which may be affected if an air pollution control permit under ss. 144.30 to 144.426 is to be considered at the hearing under this section.

SECTION 639r. 144.836 (4) (a) of the statutes is amended to read:

144.836 (4) (a) At the opening of the hearing, the hearing examiner shall advise all persons present of their right to express their views either orally or in writing, under oath or otherwise, and of the legal effect of each ~~such~~ form of testimony. All interested persons, at the hearing or at a time set prior to the hearing, shall be given an opportunity, subject to reasonable limitations on the presentation of repetitious or irrelevant material, to express their views on any aspect of the matters under consideration. The presentation of ~~such~~ these views need not be under oath nor subject to cross-examination. ~~Persons presenting their views may not be parties.~~ A written record of unsworn testimony shall be made.

SECTION 639t. 144.836 (4) (b) of the statutes is amended to read:

144.836 (4) (b) Persons ~~qualifying as parties to the hearing and~~ who wish to participate as parties shall file a written notice with the hearing examiner setting forth their interest and shall participate in the contested case portion of the hearing at least 30 days prior to the scheduled time of the hearing or prior to the scheduled time of any prehearing conference, whichever is earlier, unless good cause is shown.

SECTION 639x. 144.836 (4) (f) of the statutes is created to read:

144.836 (4) (f) Each approval or denial of a license or permit considered at the hearing under this section shall be made in findings of fact, conclusions of law and an order setting forth reasons with clarity and in detail.

SECTION 640. 144.925 of the statutes is repealed and recreated to read:

144.925 Prospecting data. (1) DEFINITIONS. In this section:

(a) "Economic information" means financial and economic projections for any potential mining of an ore body including estimates of capital costs, predicted expenses, price forecasts and metallurgical recovery estimates.

(b) "Geologic information" means information concerning descriptions of an ore body, descriptions of reserves, tonnages and grades of ore, descriptions of a drill core or bulk sample including analysis, descriptions of drill hole depths, distances and similar information related to the ore body.

(c) "Prospecting data" means data, records and other information furnished to or obtained by the department or held by the applicant or operator in connection with the application for a prospecting permit.

(2) PROSPECTING DATA IN GENERAL. Except as provided under sub. (3), prospecting data are public records subject to s. 19.21.

(3) CONFIDENTIAL PROSPECTING DATA. (a) *Request for confidential status.* An applicant for a prospecting permit may request confidential status for any prospecting data.

(b) *Confidential status.* The department shall grant confidential status to prospecting data if the applicant makes a request and if the prospecting data relates to economic information or geologic information or is entitled to confidential status under rules promulgated by the department.

SECTION 641. Subchapter VI (title) of chapter 144 of the statutes is created to read:

CHAPTER 144

SUBCHAPTER VI

GENERAL PROVISIONS, ENFORCEMENT AND PENALTIES

(to follow s. 144.94)

SECTION 642b. 144.98 of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

144.98 Enforcement; duty of department of justice; expenses. ~~All~~ The attorney general shall enforce this chapter and all rules, orders, licenses, plan approvals and permits of the department shall be enforced by the attorney general. The circuit court of Dane county or any other county where a violation has occurred in whole or in part has jurisdiction to enforce ~~this chapter or the rule, order, license, plan approval~~ or permit by injunctive and other relief appropriate for enforcement. For purposes of this proceeding where ~~this chapter or the rule, order, license, plan approval~~ or permit prohibits in whole or in part any pollution, a violation is deemed a public nuisance. The expenses incurred by the department of justice in assisting with the administration of this chapter shall be charged to the appropriation made by s. 20.370 (2) (ma).

SECTION 642r. 144.99 of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

144.99 Penalties. Any person who violates this chapter, except ss. 144.30 to 144.426 and 144.96 (1), or any rule promulgated or any plan approval, license or special order issued under this chapter, except under those sections, shall forfeit not less than \$10 nor more than \$5,000, for each violation. Each day of continued violation is a separate offense. While the order is suspended, stayed or enjoined, this penalty shall not accrue.

SECTION 643. 145.01 (5) of the statutes is amended to read:

145.01 (5) DEPARTMENT. "Department" means the department of ~~health and social services~~ industry, labor and human relations.

SECTION 643m. 145.01 (15) of the statutes is created to read:

145.01 (15) GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE SEWAGE SYSTEMS. In this chapter, "governmental unit responsible for the regulation of private sewage systems" or "governmental unit", unless otherwise qualified, means the county except that in a county with a population of 500,000 or more these terms mean the city, village or town where the private sewage system is located.

SECTION 644. 145.02 (4) of the statutes is amended to read:

145.02 (4) The department shall prescribe rules as to the qualifications, examination and licensing of master and journeyman plumbers and restricted plumber licensees, for the licensing of utility contractors, for the registration of plumbing apprentices and pipe layers and for the registration and training of registered learners. The plumbers council, created under s. 15.227 (15), shall advise the department in formulating the rules.

SECTION 645. 145.024 of the statutes is repealed.

SECTION 646. 145.03 of the statutes is amended to read:

145.03 Apprenticeship. The department may ~~determine and~~ prescribe the conditions under which any person may serve a plumbing apprenticeship, as to preliminary and vocational, technical and adult education school attendance requirements, and the credit for ~~such~~ school attendance in serving ~~such an~~ the apprenticeship. Every person, ~~regardless of age,~~ commencing a plumbing apprenticeship ~~after July 1, 1943,~~ shall be indentured under ch. 106. The term of a plumbing apprentice shall be 5 years, but the department ~~of industry, labor and human relations or the department~~ may upon application of the apprentice ~~or his,~~ the apprentice's employer or both extend ~~such the~~ term for ~~not to exceed up to~~ one additional year. After the expiration of an apprenticeship term, no apprentice ~~shall may~~ engage in the business of plumbing either as an apprentice or as a journeyman plumber unless ~~after the expiration of the apprenticeship term he~~ the apprentice secures a journeyman plumber's license. In case of failure to pass the examination for ~~such the~~ license, he or she may continue to serve as an apprentice but not beyond the time for reexamination for a journeyman plumber's license, as prescribed by the rules ~~and regulations~~ of the department. In order that the apprentice may qualify at the end of ~~his~~ apprenticeship as a skilled mechanic in the art of installing plumbing work, the department may prescribe the character of plumbing work that the apprentice may do during the 4th and 5th year under the direction or supervision of a master or journeyman plumber without either ~~such the~~ master or journeyman being physically present, provided that the master plumber in charge shall be responsible for ~~all such the~~ work.

SECTION 646g. 145.045 (3) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

145.045 (3) PLUMBERS AND SEPTIC TANK INSTALLERS. A plumber or septic tank installer may also be a soil tester and install any system after approval of the site or project by the department or the ~~county~~ governmental unit responsible for the regulation of private sewage systems.

SECTION 646r. 145.135 (1) of the statutes, as affected by sections 993g and 993m of chapter 34, laws of 1979, is amended to read:

145.135 (1) VALIDITY. In this section, "sanitary permit" means a permit issued by the department or any ~~county~~ governmental unit responsible for the regulation of private sewage systems for the installation of a private domestic sewage treatment and disposal system. No person may install a private domestic sewage treatment and disposal system unless the owner of the property on which the private domestic sewage treatment and disposal system is to be installed holds a valid sanitary permit. A sanitary permit is valid

for 2 years from the date of issue and renewable for similar periods thereafter. A county governmental unit responsible for the regulation of private sewage systems may not charge more than one fee for a sanitary permit or the renewal of a sanitary permit in any 12-month period. A sanitary permit shall remain valid to the end of the established period, notwithstanding any change in the state plumbing code or in any county private sewage system ordinance during that period. A sanitary permit may be transferred from the holder to a subsequent owner of the land, except that the subsequent owner must obtain a new copy of the sanitary permit from the issuing agent. The results of any percolation test or other test relating to the disposal of liquid domestic wastes into the soil shall be retained by the county governmental unit responsible for the regulation of private sewage systems where the property is located. The county governmental unit responsible for the regulation of private sewage systems shall make the test results available to an applicant for a sanitary permit and shall accept the test results as the basis for a sanitary permit application unless the soil at the test site is altered to the extent that a new soil test is necessary.

SECTION 647. 145.16 of the statutes is amended to read:

145.16 Fire sprinkler system apprentices, registration. Automatic fire sprinkler system apprentices shall may not be required to apply for any license but shall register with the department as an apprentice. ~~Such~~ The apprentices shall be enrolled in a qualified apprenticeship sprinkler fitters program recognized by the department ~~of industry, labor and human relations.~~

SECTION 648. 145.17 (2) of the statutes is amended to read:

145.17 (2) The department shall prescribe rules as to the qualifications, examination and licensing of journeymen automatic fire sprinkler system fitters and automatic fire sprinkler contractors and for the registration and training of automatic fire sprinkler system apprentices. The automatic fire sprinkler system contractors and journeymen council, created under s. 15.227 (16), shall advise the department in formulating the rules.

SECTION 648e. 145.19 of the statutes, as created by chapter 34, laws of 1979, is amended to read:

145.19 Sanitary permit. (1) **REQUIREMENT; INFORMATION; FORMS.** No septic tank may be purchased and no private sewage system may be installed unless the owner of the property on which the private sewage system is to be installed holds a valid sanitary permit from the county governmental unit responsible for the regulation of private sewage systems in which the property is located. The department shall prescribe the information to be included in the sanitary permit and furnish sanitary permit forms to the county governmental unit. The applicant shall submit the completed sanitary permit to the county governmental unit. The county governmental unit shall approve or disapprove the sanitary permit according to the rules promulgated by the department under this chapter. No person may sell at retail, as defined under s. 100.201 (1) (b), a septic tank for installation in this state unless the purchaser holds a valid sanitary permit issued under this section.

(2) **FEE.** The fee for a sanitary permit shall not be less than \$35. ~~The county board governing body for the governmental unit responsible for the regulation of private sewage systems~~ may establish a fee for a sanitary permit which is more than \$35.

(3) **COPY AND PART OF FEE FORWARDED TO THE DEPARTMENT.** The county governmental unit responsible for the regulation of private sewage systems shall forward a copy of each valid sanitary permit and \$14 of the fee to the department within 90 days after the permit is issued.

(4) **USE OF FEE.** The portion of this fee retained by the county governmental unit responsible for the regulation of private sewage systems shall be used for county the administration of private sewage system programs.

SECTION 648m. 145.20 (1), (2) (intro.), (e) and (g) and (3) of the statutes, as created by chapter 34, laws of 1979, are amended to read:

145.20 (1) (title) ORGANIZATION AND PERSONNEL. (a) The county board governing body of the governmental unit responsible for the regulation of private sewage systems may assign the duties of administering the private sewage system program to any ~~county~~ office, department, committee, board, commission, position or employe of that governmental unit.

(b) The county governmental unit responsible for the regulation of private sewage systems shall obtain the services of a certified soil tester, either as ~~a county an~~ employe or under contract, to review and verify certified soil tester reports under sub. (2).

(2) (title) GOVERNMENTAL UNIT RESPONSIBILITIES. (intro.) The county governmental unit responsible for the regulation of private sewage systems shall:

(e) File reports and conduct surveys and inspections as required by the county governmental unit responsible for the regulation of private sewage systems or the department.

(g) Perform other duties regarding private sewage systems as considered appropriate by the county governmental unit responsible for the regulation of private sewage systems or as required by the rules of the department.

(3) DEPARTMENT RESPONSIBILITIES. (a) The department may specify categories of private sewage systems for which approval by the department is required prior to issuance of sanitary permits by the ~~county~~ county governmental unit responsible for the regulation of private sewage systems.

(b) The department shall review the private sewage system program in each ~~county~~ county governmental unit responsible for the regulation of private sewage systems to ascertain compliance with sub. (2) and with regulations issued by the department. This review shall include a random audit of sanitary permits, including verification by onsite inspection.

(c) If a county board the governing body for a governmental unit responsible for the regulation of private sewage systems does not adopt a private sewage system ordinance meeting the requirements of s. 59.065 or if the county governmental unit does not appoint personnel meeting the requirements of sub. (1) or if the county governmental unit does not comply with the requirements of sub. (2), the department may conduct hearings in the county seat upon 30 days' notice to the county clerk. As soon as practicable after the public hearing, the department shall issue a written decision regarding compliance with s. 59.065 or sub. (1) or (2). If the department determines that there is a violation of these provisions, the county governmental unit may not issue a sanitary permit for the installation of a private sewage system until the violation is corrected.

(d) The department shall conduct training and informational programs for ~~county~~ county officials of the governmental unit responsible for the regulation of private sewage systems and employes and persons licensed under this chapter and s. 146.20 to improve the delivery of service under the ~~county~~ private sewage system program. The department shall obtain the assistance of the Wisconsin county boards association in planning and conducting the training and informational programs.

SECTION 648s. 145.21 of the statutes, as created by chapter 34, laws of 1979, is amended to read:

145.21 (title) State aids to private sewage system programs. (1) ELIGIBILITY; USE. A county governmental unit responsible for the regulation of private sewage systems is eligible for payments under this section for each qualifying sanitary permit. A qualifying sanitary permit is a sanitary permit issued under s. 145.19 if the department receives a copy of the permit within 90 days after the permit is issued. Payments shall be made from

the appropriation under s. 20.435 (1) (cm) for county administration of private sewage system programs.

(2) **PAYMENTS OF \$20 PER PERMIT.** Except as provided under sub. (3) the department shall make payments to a county governmental unit responsible for the regulation of private sewage systems equal to \$20 for each qualifying sanitary permit.

(3) **PRORATED PAYMENTS.** If the appropriation under s. 20.435 (1) (cm) is not sufficient to make payments in the amounts indicated under sub. (2), the department shall prorate the payments among the counties governmental units responsible for the regulation of private sewage systems according to the number of qualifying permits issued by each county governmental unit.

SECTION 649. 145.23 (title) of the statutes is created to read:

145.23 (title) Rules.

SECTION 649m. 146.01 (1) and (2) of the statutes are amended to read:

146.01 (1) For the prevention of ophthalmia neonatorum, or infant blindness in the new born babe, the department shall, annually, ~~cause to be prepared and put up in proper containers a one per cent solution of nitrate of silver with instructions for its use. These shall be distributed free to local health officers in quantities sufficient to enable them to, and they shall, deliver one to each physician and midwife. The attending physician or midwife shall use the said solution as directed in said instructions, the attending physician or midwife shall use a prophylactic agent approved by the department.~~

(2) In a confinement not attended by a physician or midwife, if one or both eyes of an infant becomes inflamed, swollen and red, or show an unnatural discharge, at any time within ~~two~~ 2 weeks after birth, the nurse, parents, or other person in charge shall report the facts, in writing, within ~~six~~ 6 hours to the local health officer who shall immediately ~~give warning~~ warn the person of the danger ~~and a copy of said instructions, and. The local health officer shall employ at the expense of the municipality a competent physician to examine and treat the case as directed in said instructions.~~

SECTION 649r. 146.37 (3) of the statutes is created to read:

146.37 (3) This section applies to any person acting in good faith who participates in the review or evaluation of the services of a psychiatrist, or facilities or charges for services of a psychiatrist, conducted in connection with any organization, association or program organized or operated to help improve the quality of psychiatric services, avoid improper utilization of psychiatric services or determine reasonable charges for psychiatric services. This immunity includes, but is not limited to, acts such as censuring, reprimanding or taking other disciplinary action against a psychiatrist for unethical or improper conduct.

SECTION 649t. 146.81 to 146.83 of the statutes are created to read:

146.81 Definitions. In ss. 146.81 to 146.83:

(1) "Health care provider" means a nurse registered or licensed under ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician, podiatrist or physical therapist licensed under ch. 448, an optometrist licensed under ch. 449, a psychologist licensed under ch. 455, a partnership thereof, a corporation thereof that provides health care services, an operational cooperative sickness care plan organized under ss. 185.981 to 185.985 that directly provides services through salaried employes in its own facility, or an inpatient health care facility as defined in s. 140.85 (1).

(2) "Informed consent" means written consent to the disclosure of information from patient health care records to an individual, agency or organization containing the name of the patient whose record is being disclosed, the purpose of the disclosure, the type of information to be disclosed, the individual, agency or organization to which disclosure may be made, the types of health care providers making the disclosure, the signature of

the patient or the person authorized by the patient, the date on which the consent is signed and the time period during which the consent is effective.

(3) "Patient" means a person who receives health care services from a health care provider.

(4) "Patient health care records" means all records related to the health of a patient prepared by or under the supervision of a health care provider, but not those records subject to s. 51.30.

(5) "Person authorized by the patient" means the parent, guardian or legal custodian of a minor patient, as defined in s. 48.02 (9) and (11), the guardian of a patient adjudged incompetent, as defined in s. 880.01 (3) and (4), the personal representative or spouse of a deceased patient or any person authorized in writing by the patient. If no spouse survives a deceased patient, "person authorized by the patient" also means an adult member of the deceased patient's immediate family, as defined in s. 632.78 (3) (d). A court may appoint a temporary guardian for a patient believed incompetent to consent to the release of records under this section as the person authorized by the patient to decide upon the release of records, if no guardian has been appointed for the patient.

146.82 Confidentiality of patient health care records. (1) **CONFIDENTIALITY.** All patient health care records shall remain confidential. Patient health care records may be released only to the persons designated in this section or to other persons with the informed consent of the patient or of a person authorized by the patient.

(2) **ACCESS WITHOUT INFORMED CONSENT.** (a) Notwithstanding sub. (1), patient health care records shall be released upon request without informed consent in the following circumstances:

1. To health care facility staff committees, or accreditation or health care services review organizations for the purposes of conducting management audits, financial audits, program monitoring and evaluation, health care services reviews or accreditation.

2. To the extent that performance of their duties requires access to the records, to a health care provider or any person acting under the supervision of a health care provider or to a person licensed under s. 146.35 or 146.50, including but not limited to medical staff members, employes or persons serving in training programs or participating in volunteer programs and affiliated with the health care provider, if:

- a. The person is rendering assistance to the patient;
- b. The person is being consulted regarding the health of the patient; or
- c. The life or health of the patient appears to be in danger and the information contained in the patient health care records may aid the person in rendering assistance.

3. To the extent that the records are needed for billing, collection or payment of claims.

4. Under a lawful order of a court of record.

5. In response to a written request by any federal or state governmental agency to perform a legally authorized function, including but not limited to management audits, financial audits, program monitoring and evaluation, facility licensure or certification or individual licensure or certification. The private pay patient may deny access granted under this subdivision by annually submitting to the health care provider a signed, written request on a form provided by the department. The provider, if a hospital or nursing home, shall submit a copy of the signed form to the patient's physician.

6. For purposes of research if the researcher is affiliated with the health care provider and provides written assurances to the custodian of the patient health care records that the information will be used only for the purposes for which it is provided to the researcher, the information will not be released to a person not connected with the study, and the final product of the research will not reveal information that may serve to identify

the patient whose records are being released under this paragraph without the informed consent of the patient. The private pay patient may deny access granted under this subdivision by annually submitting to the health care provider a signed, written request on a form provided by the department.

(b) Unless authorized by a court of record, the recipient of any information under par. (a) shall keep the information confidential and may not disclose identifying information about the patient whose patient health care records are released.

146.83 Patient access to health care records. (1) Except as provided in s. 51.30 or 146.82 (2), any patient or other person may, upon submitting a statement of informed consent:

(a) Inspect the health care records of a health care provider pertaining to that patient at any time during regular business hours, upon reasonable notice.

(b) Receive a copy of the patient's health care records upon payment of reasonable costs.

(c) Receive a copy of the health care provider's X-ray reports or have the X-rays referred to another health care provider of the patient's choice upon payment of reasonable costs.

(2) The health care provider shall provide each patient with a statement paraphrasing the provisions of this section either upon admission to an inpatient health care facility, as defined in s. 140.85 (1), or upon the first provision of services by the health care provider after the effective date of this act (1979).

(3) The health care provider shall note the time and date of each request by a patient or person authorized by the patient to inspect the patient's health care records, the name of the inspecting person, the time and date of inspection and identify the records released for inspection.

~~SECTION 650a. 146.90 of the statutes is created to read:~~

~~**146.90 Controlled substances therapeutic research programs.** (1) DEFINITIONS. In this section:~~

~~(a) "Marijuana" means all parts of the plant *Cannabis Sativa L.*, tetrahydrocannabinols or a chemical derivative of tetrahydrocannabinols.~~

~~(b) "Practitioner" has the meaning specified under s. 450.07 (1) (d).~~

~~(c) "Research program" means a controlled substances therapeutic research program.~~

~~(2) RESEARCH PROGRAM CONTENTS. Each research program under this section shall:~~

~~(a) Administer marijuana for medical purposes to treat cancer chemotherapy patients, radiation patients or glaucoma patients who participate in the research program and who may not respond to or may suffer severe side effects from conventional controlled substances.~~

~~(b) Be annually reviewed by committees separately established or designated by the board of regents of the university of Wisconsin system and by the medical college of Wisconsin, inc.~~

~~(c) Contract with the national institute on drug abuse, the food and drug administration and the drug enforcement agency in conformity with applicable regulations for the receipt and administration of marijuana by the research program. The person conducting the research program shall apply for receipt of the drug using the contract forms required under 21 CFR 312.10, in effect on the effective date of this act (1979), and shall perform the research in compliance with the contractual requirements specified in that regulation. The person conducting the research program shall make the research records available to the drug enforcement agency under 21 CFR 312.10, in effect on the effective date of this act (1979).~~

Vetoed
in Part

~~(d) On January 1 of each year after the commencement of the research program, submit a report to the appropriate committees of each house of the legislature, including:~~

- ~~1. The quantity of marijuana received under par. (c);~~
- ~~2. The quantity of marijuana prescribed to patients;~~
- ~~3. The number of patients participating in the research program; and~~
- ~~4. The effectiveness of the research program and the need for its continuation.~~

Vetoed
in Part

~~(e) Withhold from all persons not connected with the research program the names and other identifying characteristics of applicants and participating patients, except as required by the drug enforcement agency under par. (c). No person conducting a research program may be compelled in any proceeding to identify applicants or participating patients, except to the extent necessary to determine whether the program is being conducted in accordance with the law.~~

~~(3) GRANTS COMMITTEE. The board of regents of the university of Wisconsin system and the medical college of Wisconsin, inc., shall establish a grants committee by agreement to review proposals for research programs under this section submitted from either institution. The committee shall determine amounts to be granted and programs to be funded under s. 20.285 (1) (e). The committee shall consider proposals from both institutions, but may award grants to only one institution if only one institution submits proposals or if such an award would result in more effective research efforts.~~

~~(4) APPLICATION. This section applies only to research funded under s. 20.285 (1) (e).~~

SECTION 650b. 147.015 (1) of the statutes is amended to read:

147.015 (1) "Person" for purposes of this chapter and ch. 144 means an individual, owner ~~or~~, operator, corporation, partnership, association, municipality, interstate agency ~~or~~, state agency ~~or~~ federal agency.

SECTION 650ba. 147.017 of the statutes is created to read:

147.017 Exemption for certain alcohol fuel production systems. (1) DEFINITIONS. As used in this section:

- (a) "Distillate waste product" has the meaning designated under s. 144.438 (1) (a).
- (b) "Environmentally sound storage facility" has the meaning designated under s. 144.438 (1) (b).
- (c) "Private alcohol fuel production system" has the meaning designated under s. 144.438 (1) (c).

(2) EXEMPTION. No permit is required under this chapter for the owner of a private alcohol fuel production system to discharge or dispose of any distillate waste product if the waste product is stored in an environmentally sound storage facility and disposed of using an environmentally safe land spreading technique and the discharge or disposal is confined to the property of the owner.

SECTION 650c. 147.021 of the statutes is renumbered 147.035 (2) and amended to read:

147.035 (2) COMPLIANCE WITH FEDERAL STANDARDS. All rules ~~adopted~~ promulgated by the department ~~pursuant to~~ under this chapter as they relate to point source discharges, effluent limitations, ~~water quality related limitations~~, municipal monitoring requirements, standards of performance ~~and for new sources~~, toxic ~~effluent standards or prohibitions~~ and pretreatment ~~effluent~~ standards shall comply with and not exceed the requirements of the federal water pollution control act ~~amendments of 1972, P.L. 92-500, as amended, 33 USC 1251 to 1376~~ and regulations adopted ~~pursuant thereto~~ under that act.

SECTION 650cb. 147.023 of the statutes is created to read:

147.023 General permits. (1) **AUTHORIZATION.** Instead of issuing a separate permit to an individual point source, the department may issue a general permit applicable to a designated area of the state authorizing discharges from specified categories or classes of point sources located within that area.

(2) **VOLUNTARY WITHDRAWAL.** Upon the request of the owner or operator of a point source, the department shall withdraw the point source from the coverage of the general permit and issue a separate permit for that source.

(3) **WITHDRAWAL.** The department may withdraw a point source from the coverage of a general permit and issue a separate permit for that source if:

(a) The point source is a significant contributor of pollution;

(b) The point source is not in compliance with the terms and conditions of the general permit;

(c) A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants from the point source;

(d) Effluent limitations or standards are promulgated for a point source covered by the general permit after the issuance of that permit; or

(e) A water quality management plan containing requirements applicable to the point source is approved.

SECTION 650d. 147.025 (1) of the statutes is amended to read:

147.025 (1) The department shall promulgate rules relating to applications for permits under this chapter which shall require at a minimum that ~~not later than 180 days after July 22, 1973~~ every owner or operator of a point source discharging pollutants into the waters of the state shall have on file either a completed permit application on forms provided by the department or a completed permit application under section 13 of the rivers and harbors act of 1899, 33 U.S.C. USC 407 or under the federal water pollution control act amendment of 1972, P.L. 92-500; 86 Stat. 816, as amended, 33 USC 1251 to 1376.

SECTION 650dg. 147.025 (6) of the statutes is created to read:

147.025 (6) Subsections (1) to (5) do not apply to an owner or operator of a point source eligible for coverage under a general permit under s. 147.023 and rules promulgated by the department under that section. The department may require the owner or operator to submit information regarding any discharge.

SECTION 650dm. 147.03 (2) (a) 4 of the statutes is repealed.

SECTION 650e. 147.035 (title), (1) and (3) of the statutes are created to read:

147.035 (title) State and federal standards. (1) **DEPARTMENT TO ESTABLISH STANDARDS.** The department shall promulgate by rule effluent limitations, standards of performance for new sources, toxic effluent standards or prohibitions and pretreatment standards for any category or class of point sources established by the U.S. environmental protection agency and for which that agency has promulgated any effluent limitations, toxic effluent standards or prohibitions or pretreatment standards for any pollutant.

(3) **STANDARDS IN THE ABSENCE OF FEDERAL STANDARDS.** (a) *Standards for nitrogen, phosphorous and disinfection.* Notwithstanding sub. (1) or (2), the department may promulgate by rule effluent limitations representing the best available demonstrated control technology, processes, operating methods or other alternatives concerning the discharge of phosphorous or nitrogen compounds and concerning the disinfection of sanitary wastewaters if the U.S. environmental protection agency has not promulgated an effluent limitation, effluent standard or prohibition concerning this type of discharge or disinfection.

(b) *Exemptions.* The department may exempt by rule specified types of discharges from the effluent limitations concerning the discharge of phosphorous or nitrogen compounds established under par. (a) based upon:

1. The amount of phosphorous or nitrogen discharged;
2. The impact of nonpoint sources on the waters affected by the discharge;
3. The additional cost of treatment per unit of phosphorous or nitrogen removed;
4. The type of waters affected by the discharge; or
5. The impact of the discharge on the maintenance or achievement of water quality standards.

(c) *Advisory committee.* In promulgating rules under pars. (a) and (b), the department shall establish an advisory committee under s. 227.017 composed of representatives of municipal dischargers, industrial point sources, farm groups, environmental groups, nonpoint sources and the public to assist in drafting the rules, evaluating technical studies and advising the department.

(d) *Impact of subsequent federal standards.* If the U.S. environmental protection agency promulgates an effluent limitation, effluent standard or prohibition concerning a type of discharge or disinfection specified under par. (a) for a category or class of point sources which is applicable to a permit holder, the department may modify, and at the request of the permit holder shall modify, the effluent limitation specified in the permit to conform with the effluent limitation, effluent standard or prohibition promulgated by the U.S. environmental protection agency.

(e) *Compliance dates.* A publicly owned treatment works shall comply with effluent limitations established under this subsection by July 1, 1983. Any point source other than a publicly owned treatment works shall comply with effluent limitations established under this subsection by July 1, 1984.

SECTION 650f. 147.04 (1) and (2) (intro.) and (a) of the statutes are amended to read:

147.04 (1) (title) CATEGORIES AND CLASSES OF POINT SOURCES. The department shall promulgate a list of categories and classes of point sources which is at least as comprehensive as the list ~~published by the U.S. environmental protection agency under appearing in section 306 1316 (b) (1) (A) of the federal water pollution control act amendments of 1972, 86 Stat. 816, as amended, 33 USC 1251 to 1376.~~

(2) (title) SOURCES OTHER THAN PUBLIC TREATMENT WORKS. (intro.) ~~The department shall establish by rule effluent limitations for each such category or class of discharge from any point sources source, other than a publicly owned treatment works, which shall require shall comply with the following requirements:~~

(a) (title) *Best practicable technology.* ~~By not later than July 1, 1977, the The application of the best practicable control technology currently available or in the case of a discharge into a publicly owned treatment works which meets the requirements of sub. (3) (a), the application of any applicable pretreatment requirements and any other requirements under s. 147.07 by no later than July 1, 1977.~~

SECTION 650g. 147.04 (2) (b) (intro.) of the statutes is repealed and recreated to read:

147.04 (2) (b) *Requirements for certain pollutants.* (intro.) For pollutants identified under pars. (c), (d) and (f):

SECTION 650h. 147.04 (2) (b) 1 and 2 of the statutes are amended to read:

147.04 (2) (b) 1. a. The application of the best available technology economically achievable for such a point source or a category or class of point sources which will result in reasonable further progress toward the national goal of eliminating the discharge of all

pollutants as stated in the federal water pollution control act, as amended, 33 USC 1251 to 1376; or

b. The application of the best available technology which will result in the elimination of the discharge of all pollutants, if the department finds on the basis of information available to it that ~~such~~ the elimination is technologically and economically achievable for a category or class of point sources, ~~or in the case total elimination is not technologically and economically achievable, which will result in reasonable further progress toward the goal of eliminating the discharge of all pollutants; or.~~

2. The application of any applicable pretreatment requirements or any other requirements under s. 147.07 to any point source ~~or sources~~ discharging pollutants into a publicly owned treatment works ~~which meets the requirements of sub. (3) (a).~~

SECTION 650i. 147.04 (2) (c) of the statutes is renumbered 147.04 (3) (a) and amended to read:

147.04 (3) (a) (title) *Maximum use of technology and reasonable progress.* The department may modify the requirements of ~~par. (b) sub. (2) (f)~~ in accordance with s. 147.20 for any point source for which a permit application is filed after July 1, 1977; ~~provided that if~~ the owner or operator of ~~each such~~ the point source satisfactorily demonstrates to the department that ~~such~~ the modified requirements will represent the maximum use of technology within the economic capability of the owner or operator and will result in reasonable further progress toward the national goal of elimination of the discharge of pollutants as stated in the federal water pollution control act, as amended, 33 USC 1351 to 1376.

SECTION 650j. 147.04 (2) (c) to (g) of the statutes are created to read:

147.04 (2) (c) *Certain toxic pollutants; compliance by July 1, 1984.* Compliance with the effluent limitations under par. (b) with respect to all toxic pollutants referred to in table 1 of committee print number 95-30 of the committee on public works and transportation of the U.S. house of representatives by no later than July 1, 1984.

(d) *Other toxic pollutants; compliance within 3 years after limitations are established.* Compliance with effluent limitations under par. (b) with respect to all toxic pollutants included on the list promulgated under s. 147.07 (1) (a) but which are not included in the table referred to under par. (c) not later than 3 years after the date the effluent limitations are established.

(e) *Conventional pollutants; compliance by July 1, 1984.* The application of the best conventional pollutant control technology for pollutants identified under section 1314 (a) (4) of the federal water pollution control act, as amended, 33 USC 1251 to 1356 by no later than July 1, 1984.

(f) *Other pollutants.* Compliance with effluent limitations under par. (b) with respect to all pollutants not included under pars. (c) to (e) not later than 3 years after the date effluent limitations are established, but in no case before July 1, 1984 or after July 1, 1987.

(g) *Certain innovative processes; compliance before July 1, 1987.* 1. For a facility which proposes to comply with the requirements of par. (b) by utilizing an innovative production process, innovative control technique or innovative system by a date established by the department after consulting with U.S. environmental protection agency but not later than July 1, 1987.

2. An innovative production process is a process to replace existing production capacity with a process which will result in an effluent reduction significantly greater than that required by the applicable effluent limitation and which moves toward the goal of eliminating the discharge of all pollutants.

3. An innovative control technique is a technique which has a substantial likelihood of enabling the facility to achieve a significantly greater effluent reduction than that required by the applicable effluent limitation and which moves toward the national goal of eliminating the discharge of all pollutants as stated under the federal water pollution control act, as amended, 33 USC 1251 to 1376.

4. An innovative system is a system which has the potential for significantly lower costs than the systems which the department has determined to be economically achievable if the department determines that the system has the potential for industrywide application.

SECTION 650k. 147.04 (3) of the statutes is renumbered 147.04 (4) and amended to read:

147.04 (4) (title) EFFLUENT LIMITATIONS FOR PUBLIC TREATMENT WORKS. ~~The department shall by rule promulgate effluent limitations for Discharges from~~ publicly owned treatment works ~~which shall require~~ shall comply with the following requirements:

(a) (title) *Secondary treatment for certain works.* ~~By July 1, 1977, secondary~~ Secondary treatment by no later than July 1, 1977, for all publicly owned treatment works in existence on that date or approved prior to June 30, 1974, and for which construction shall be is completed within 4 years of approval;

(b) (title) *Best practicable waste treatment technology.* ~~Not later than July 1, 1983,~~ The application of the best practicable waste treatment technology over the life of the works consistent with the purposes of this chapter by no later than July 1, 1983.

SECTION 650m. 147.04 (3) (title) and (b) to (d) of the statutes are created to read:

147.04 (3) (title) MODIFICATIONS.

(b) *Minimum compliance.* 1. The department with the concurrence of the U.S. environmental protection agency shall modify the requirements of sub. (2) (f) with respect to the discharge of any pollutant other than heat from any point source upon a showing by the owner or operator of the point source satisfactory to the department in a proceeding under s. 147.20 that:

a. The modified requirements will result in compliance with the requirements of sub. (2) (a) or (5), whichever is applicable;

b. The modified requirements will not result in any additional requirements for any other point or nonpoint source; and

c. The modification will not interfere with the attainment or maintenance of water quality which assures protection of public water supplies, which assures the protection and propagation of a balanced population of shellfish, fish, and wildlife and which allows recreational activities in and on the water and that the modification will not result in the discharge of pollutants in quantities which reasonably may be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity including carcinogenicity, mutagenicity or teratogenicity or synergistic propensities.

2. If an owner or operator of a point source applies for a modification under this paragraph with respect to the discharge of any pollutant, that owner or operator is eligible to apply for modification under this subsection with respect to that pollutant only during the same time period as the owner or operator is eligible to apply for a modification under this paragraph.

(c) *Applications for modification.* 1. Any application filed under this subsection for a modification of the requirements of sub. (2) (b) as it applies to pollutants identified in sub. (2) (f) shall be filed not later than 270 days after the date of promulgation of an applicable effluent limitation by the department under this chapter.

2. Any application for a modification filed under this subsection does not operate to stay any requirement under this chapter, unless in the judgment of the department the stay or the modification sought will not result in the discharge of pollutants in quantities which may reasonably be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity, including carcinogenicity, mutagenicity or teratogenicity, or synergistic propensities and there is a substantial likelihood that the applicant will succeed on the merits of the application. If an application is filed under this subsection, the department may condition any stay granted under this subdivision upon the filing of a bond or other appropriate security to assure timely compliance with the requirements from which a modification is sought.

(d) *No modification for toxic pollutants.* Notwithstanding pars. (a) and (b), the department may not modify any requirement of this subsection or sub. (2) applicable to any toxic pollutant which is on the list promulgated under s. 147.07 (1).

SECTION 650n. 147.04 (4) of the statutes is renumbered 147.04 (5) and amended to read:

147.04 (5) **MORE STRINGENT LIMITATIONS.** The department shall establish more stringent limitations ~~than required under subs. (2) and (4) if such~~ these limitations are necessary to meet applicable water quality standards, treatment standards ~~or~~ schedules of compliance or any other state or federal law, rule or regulation, and. The department shall require compliance with such these limitations not by no later than July 1, 1977, or by a later date as specified in the water quality standard, treatment standard, schedule of compliance or other state or federal law, rule or regulation.

SECTION 650p. 147.04 (5) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 147.04 (6) and amended to read:

147.04 (6) **MODIFICATION OF TIME LIMITS.** The department may, ~~for any publicly owned treatment works,~~ modify the time limitations specified ~~in~~ under subs. ~~(3) (a) and (4) (a) and (5) for any publicly owned treatment works~~ to increase the period of time for compliance with effluent limitations. This modification of the time limitations may be granted if the department determines that the construction of treatment works necessary to achieve compliance with effluent limitations cannot be completed within the prescribed time period due to events over which the permittee has little or no control. In no case may any modification of the time limitations under this subsection extend beyond July 1, 1983.

SECTION 650q. 147.07 (1) of the statutes is amended to read:

147.07 (1) (title) **TOXIC EFFLUENT LIMITATIONS AND STANDARDS.** (a) (title) *List.* The department shall ~~by rule~~ promulgate by rule a list of toxic pollutants or combinations of such pollutants ~~for which an effluent standard, which may include the prohibition of the discharge of such pollutants or combination of pollutants, shall be established.~~ In preparing subject to this chapter which consists of those toxic pollutants referred to in table 1 of committee print number 95-30 of the committee on public works and transportation of the U.S. house of representatives. After promulgation of this list, the department may revise by rule the list periodically and may add to or remove from the list any pollutant. In revising this list the department shall consider the toxicity of the pollutant, its persistence, degradability, the usual or potential presence in any waters of any organisms affected by the discharge of the toxic pollutant or combination of pollutants, the importance of the affected organism and the nature and extent of the effect of the toxic pollutant or combination of pollutants on such these organisms. A determination by the department under this subsection is subject to judicial review under s. 227.05.

(b) (title) *Effluent standards.* The department ~~shall by rule~~ may promulgate by rule an effluent standard ~~or, which may include a prohibition for each such pollutant or combination of pollutants listed under par. (a) and shall prescribe the classes or categories of~~

sources to which the effluent standard or prohibition shall apply. The effluent standards and prohibitions adopted by the department, establishing requirements for a toxic pollutant which, if an effluent limitation is applicable to a class or category of point sources, is applicable to that category or class of point sources only if this effluent standard imposes more stringent requirements than are imposed under s. 147.04 (2) (b). An effluent standard promulgated under this section, shall take into account the toxicity of the pollutant, the its persistence, degradability, the usual or potential presence of affected organisms in any waters of any organisms affected by the discharge of the toxic pollutant or combination of pollutants, the importance of the affected organism and organisms, the nature and extent of the effect of the toxic pollutant or combination of pollutants on such these organisms and the extent to which effective control is being or may be achieved under other regulatory authority.

(c) (title) *Promulgation; review.* ~~Any~~ The department shall promulgate by rule an effluent standard ~~or which may include a prohibition adopted by the department under this section~~ in accordance with par. (a) for each toxic pollutant referred to in table 1 of committee print number 95-30 of the committee on public works and transportation of the U.S. house of representatives as soon as practicable but no later than one year after the U.S. environmental protection agency promulgates an effluent standard for the pollutant. The department shall establish effluent standards for any other toxic pollutant listed under par. (a) as soon as practicable after it is listed. Each effluent standard promulgated under this paragraph shall be reviewed and, if appropriate, revised every 3 years.

SECTION 650r. 147.07 (1) (d) to (f) of the statutes are created to read:

147.07 (1) (d) *Ample margin of safety.* An effluent standard promulgated under this subsection shall be established at that level which the department determines provides an ample margin of safety.

(e) *Applicability to classes or categories of sources.* If the department proposes or promulgates an effluent standard under this subsection, it shall designate the class or category of point sources to which the effluent standard applies. The department may include the disposal of dredged material in a class or category of point sources.

(f) *Effective date.* An effluent standard promulgated under this subsection takes effect on the date specified in the order promulgating the standard, but not more than one year after the date of the order. If the department determines that compliance within one year after the date of the order is technologically infeasible for a class or category of sources, the department may establish the effective date for the effluent standard for that class or category of sources at the earliest date upon which compliance can be feasibly attained by those sources, but in no case more than 3 years after the date of the order.

SECTION 650s. 147.07 (2) (b) of the statutes is amended to read:

147.07 (2) (b) Pretreatment standards promulgated under this section shall specify a time for compliance, not to exceed 3 years ~~from~~ after the date of promulgation, and shall be established to prevent the discharge through any publicly owned treatment work of any pollutant which interferes with, passes through, or otherwise is incompatible with ~~such the treatment works.~~ If any toxic pollutant under sub. (1) is introduced by a source into a publicly owned treatment works, if the treatment by the works removes all or any part of that toxic pollutant, if the discharge from the works does not violate the effluent limitation or standard which would be applicable to that toxic pollutant if it were discharged by the source other than through a publicly owned treatment works and if the treatment of that toxic pollutant does not prevent sludge use or disposal by the works in accordance with section 1345 of the federal water pollution control act, as amended, 33 USC 1251 to 1376, then the pretreatment requirements for the sources actually discharging the toxic pollutant into the publicly owned treatment works may be revised by the owner or operator of the works to reflect the removal of that toxic pollutant by the works.

SECTION 650t. 147.135 of the statutes is created to read:

147.135 Mining hearing. If a hearing on the permit application is conducted as a part of a hearing under s. 144.836, the notice, comment and hearing provisions in that section supersede the notice, comment and hearing provisions of ss. 147.09, 147.11 and 147.13.

SECTION 650u. 147.20 (3) of the statutes is created to read:

147.20 (3) Subsections (1) and (2) do not apply if a hearing on the permit application is conducted as a part of a hearing under s. 144.836.

SECTION 650v. 147.23 (title) of the statutes is amended to read:

147.23 (title) Liability for water pollution.

SECTION 651m. 147.23 of the statutes is renumbered 147.23 (1) and amended to read:

147.23 (1) (title) DEPARTMENT MAY RECOVER COSTS. ~~The~~ In an action against any person who violates this chapter or any provision of s. 29.29 or ch. 30, 31 or 144 relating to water quality the department may sue to recover the expense incurred in cost of removing, terminating, or remedying the adverse effects upon the water environment resulting from the unlawful discharge or deposit of pollutants into the waters of the state ~~and may sue for the costs, including the cost~~ of replacing fish or other wildlife destroyed by ~~such unlawful the discharge or deposit.~~

SECTION 652m. 147.23 (2) and (3) of the statutes are created to read:

147.23 (2) ADVERSE EFFECTS. The department may introduce evidence of the environmental pollution, as defined under s. 144.01 (3), that resulted from the unlawful discharge or deposit and evidence of the potential of the water environment for public use if the unlawful discharge or deposit had not occurred in order to assist the court in determining the adverse effects upon the water environment resulting from the unlawful discharge or deposit and in determining the amount of liability under sub. (1).

(3) ADMINISTRATION OF AWARD. The court shall administer an award made under this section. An award made under this section may be used to remove, terminate or remedy the adverse effects of the discharge or deposit, to restore or develop the water environment for public use or to provide grants to municipalities consistent with any court order.

SECTION 653. 150.001 (11) of the statutes is repealed and recreated to read:

150.001 (11) "State health planning and development agency" means the department, as designated under s. 140.82 (1).

SECTION 654. 150.001 (12) of the statutes is amended to read:

150.001 (12) "Statewide health coordinating council" means the ~~body appointed by the governor which meets the requirements under section 1424 of P.L. 93-641~~ health policy council, as designated under s. 14.25.

SECTION 656. 150.01 (5m) of the statutes, as created by chapter 34, laws of 1979, is renumbered 150.01 (5m) (a).

SECTION 657. 150.01 (5m) (b) of the statutes is created to read:

150.01 (5m) (b) "Predevelopment activity" does not include:

1. Any health maintenance organization feasibility survey funded under 42 USC 300e-2, in effect on the effective date of this act (1979); or
2. Any planning project for a health maintenance organization funded under 42 USC 300e-3, in effect on the effective date of this act (1979).

SECTION 657e. 150.12 (1) of the statutes is renumbered 150.12 (1) (a) and amended to read:

150.12 (1) (a) No fee may be charged for any nonsubstantive project under s. 150.02 (4) ~~any project whose total cost is less than \$10,000 or the purchase of single pieces of replacement equipment or~~ (5).

SECTION 657m. 150.12 (1) (b) of the statutes is created to read:

150.12 (1) (b) Notwithstanding par. (a), the department may charge an application fee for nonsubstantive review of project cost overruns. The total amount of application fees for the project may not exceed \$37,000.

SECTION 657s. 150.12 (2) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

150.12 (2) For all other expenditures the fee shall be ~~0.35%~~ 0.37% of the estimated project cost with a maximum fee of \$37,000 and a minimum fee of \$200.

SECTION 657u. Chapter 151 of the statutes is created to read:

CHAPTER 151

LEAD POISONING PREVENTION

151.01 Definitions. In this chapter, unless the context requires otherwise:

(1) "Department" means the department of health and social services. The department may designate local public health officials to carry out its functions under this chapter.

(2) "Dwelling" means any structure, all or part of which is designed or used for human habitation.

(3) "Lead-bearing paint" means any paint or other surface coating material containing more than 0.06% lead by weight, calculated as lead metal, in the total nonvolatile content of liquid paint or more than one milligram of lead per square centimeter in the dried film of applied paint.

(4) "Lead poisoning" means a level of lead in the blood beyond 60 micrograms per 100 milliliters of blood, or the corresponding erythrocyte protoporphyrin level as determined by the department by rule.

(5) "Owner" means any person who:

(a) Has legal title to any dwelling or unit, with or without accompanying actual occupancy; or

(b) Has charge, care or control of the dwelling or unit as owner or agent of the owner, or as executor, administrator, trustee or guardian of the estate of the owner.

151.03 Prohibited acts. (1) No person may apply lead-bearing paints:

(a) To any exposed surface on the inside of a dwelling;

(b) To the exposed surface of a structure used for the care of children; or

(c) To any fixture or other object placed in or upon any exposed surface of a dwelling and ordinarily accessible to children.

(2) No person may sell or transfer any fixture or other object intended to be placed upon any surface on the inside of a dwelling, containing a lead-bearing paint and ordinarily accessible to children.

151.05 Reports of lead poisoning. Every physician who diagnoses lead poisoning, or any nurse, hospital administrator, director of a clinical laboratory or public health officer who has verified information of the existence of any person found or suspected to have lead poisoning, shall report to the department or to the local health officer of the region in which the person resides within 48 hours after verifying this information. The local health officer shall report to the department the name, address, laboratory results, date of birth and any other information about the person the department deems essential. Any physician, nurse, hospital administrator, director of a clinical laboratory, public health officer

or allied health professional making such a report in good faith shall be immune from any civil or criminal liability that otherwise might be incurred from making the report.

151.07 Departmental response to reports of lead poisoning. (1) The department may, after being notified that an occupant of a dwelling has blood lead poisoning, present official credentials to the owner or occupant, or to a representative of the owner or occupant, and request admission to inspect the dwelling at a reasonable time. The departmental representative may ascertain whether all surfaces accessible to children are intact and in good repair, and may inspect for the presence of lead-bearing paints. The departmental representative may temporarily remove samples or objects necessary for laboratory analysis to determine the presence of lead-bearing paints in the dwelling. If the owner or occupant refuses admission, the representative may seek a warrant to inspect the dwelling, based on the specific neutral criteria that an occupant of the dwelling suffers from lead poisoning. The warrant shall advise the owner or occupant of the scope of the inspection.

(2) If the department determines that lead-bearing paints are present in or upon any dwelling, the department may:

(a) Cause to be posted in a conspicuous place upon the dwelling a notice of the presence of lead-bearing paints;

(b) Inform the local health officer of the results of the department tests and provide recommendations to eliminate the problem areas;

(c) Notify the occupant or that person's representative that lead-bearing paints are present on the surfaces of the dwelling and may constitute a health hazard; and

(d) Notify the owner of the dwelling of the presence of lead-bearing paints. The department may issue instructions to remove, replace or cover securely and permanently these paints within 30 days, in a manner the department prescribes. The failure to remove lead-bearing paints within the time prescribed shall be prima facie evidence of negligence in any action brought to recover damages for injuries incurred after the time period expires.

(3) The lead-bearing paints shall be removed from the dwelling in a manner that will not endanger the health or well-being of the occupants. Flakes, chips, debris and other potentially harmful materials shall be safely removed from the dwelling and destroyed.

(4) The department shall give priority to eliminating lead poisoning hazards from residential dwellings in which children with diagnosed lead-bearing paint poisoning reside.

151.09 Departmental duties. The department shall:

(1) Provide for or support the monitoring and validation of all medical laboratories and private and public hospitals that perform lead and corresponding erythrocyte protoporphyrin determination tests on human blood or other tissues, under the provisions of s. 143.15.

(2) Provide laboratory testing of biological and environmental lead specimens for lead content to any physician, hospital, clinic, municipality or private organization that cannot secure or provide testing through other sources. The department may not assume responsibility for blood lead analysis required in programs in operation on the effective date of this act (1979).

(3) Develop or encourage the development of appropriate programs and studies to identify sources of lead poisoning, and assist other entities in the identification of lead in children's blood and of the sources of the lead poisoning.

(4) Provide technical assistance and consultation to local, county or regional governmental or private agencies to promote and develop lead poisoning prevention programs that afford opportunities for employing residents of communities and neighborhoods affected by lead-bearing paint poisoning, and that provide appropriate training, education and information to inform these residents of the opportunities for employment.

(5) Provide recommendations for the identification and treatment of lead poisoning.

(6) Develop educational programs to communicate to parents, educators and officials of local boards of health the health danger of lead-bearing paint poisoning among children.

151.11 Local authority. This chapter does not prohibit any city, village, town or other political subdivision from enacting and enforcing ordinances establishing a system of lead poisoning control that provides the same or higher standards than those set forth in this chapter. Nothing in this chapter shall be interpreted or applied in any manner to impair the right of any person, entity, municipality or other political subdivision to sue for damages, equitable relief or to restrain a violation of such an ordinance.

151.13 Enforcement; penalty. (1) **ENFORCEMENT.** The department shall report any violation of this chapter to the district attorney of the county in which the dwelling is located. The district attorney shall enforce this chapter. A circuit court may order the occupants of the affected dwelling to withhold rent in escrow until the lead-bearing paints are removed, replaced or securely and permanently covered.

(2) **PENALTY.** Any person who violates this chapter may be fined not more than \$300 or imprisoned not more than 3 months or both. Each day of continued violation constitutes a separate offense.

SECTION 658. 155.01 (2) of the statutes is amended to read:

155.01 (2) Disinterred corpses ~~are declared dangerous to health, and shall~~ may not be transported unless each corpse is accompanied by a separate permit from the local health officer for removal, showing the name, age, place, cause of death and medical attendant, the point to which to be shipped, and the undertaker in charge ~~and attached to such permit the consent of the department of health and social services.~~ Local health officers ~~shall refuse~~ may not issue a permit ~~when if~~ the cause of death is given as heart failure unless the physician in charge states that the cause was not diphtheria.

SECTION 659. Chapter 156 (title) of the statutes is renumbered chapter 445 (title).

SECTION 660. 156.01 and 156.03 of the statutes are renumbered 445.01 and 445.03, respectively.

SECTION 661. 156.04 of the statutes is renumbered 445.04, and 445.04 (2), as renumbered, is amended to read:

445.04 (2) No person may engage in the business of a funeral director, or make a representation as engaged in such business, in whole or in part, unless first licensed as a funeral director by the examining board. Application for a license ~~(other than a renewal),~~ shall be in writing and verified on a form to be furnished by the examining board. The application must specify the address at which the applicant proposes to conduct the business of a funeral director and shall contain such other information as the examining board requires to determine compliance with the requirements of this chapter. Accompanying the application shall be the examination fee specified under s. 440.05 (1), together with affidavits from at least 2 reputable freeholders of the county in which the applicant resides or proposes to conduct the business of a funeral director, to the effect that the applicant is of good moral character and temperate habits, and a U.S. citizen ~~of the United States.~~

SECTION 662. 156.045 to 156.16 of the statutes are renumbered 445.045 to 445.16, respectively.

SECTION 663. 157.06 of the statutes is repealed and recreated to read:

157.06 Location of cemeteries. (1) No cemetery may be used for burials except:

- (a) Any cemetery in use on April 4, 1864; or
- (b) Any cemetery organized and operated by:
 - 1. Any municipality;
 - 2. Any church;
 - 3. Any fraternal or benevolent society;
 - 4. Any incorporated college of a religious order; or
 - 5. Any cemetery association created under s. 157.03.

(2) Except as provided in sub. (3), no cemetery may be established:

(a) Within a recorded plat or recorded addition to a plat of any city or village, if the cemetery is within one mile of a building in the plat;

(b) Outside a recorded plat or recorded addition to a plat of any city or village if the cemetery is within 200 rods of an inhabited dwelling that is located within a recorded plat or addition, unless the city or village consents;

(c) Within 15 rods of any habitable dwelling, publicly owned building or school, unless the cemetery is establishing an extension on property it has owned continually since June 18, 1929; or

(d) Within 200 rods of any of the following state facilities, without the consent of the state:

- 1. Any institution for the deaf or the blind;
- 2. Any mental health institute, as defined in s. 51.01;
- 3. The Ethan Allen school;
- 4. Any center for the developmentally disabled; or
- 5. Any state reformatory.

(3) (a) Any cemetery in a village may enlarge with the consent of the village board and of the owners of each building within 15 rods of the addition.

(b) Any cemetery in a 3rd or 4th class city may enlarge with the consent of the common council.

(c) Any incorporated college of a religious order in a 4th class city may establish a private cemetery within the city on land the college owns to inter members of the religious order, if the common council consents and if each person owning a private building within 50 rods of the proposed cemetery consents.

(d) Any cemetery established before April 30, 1887, in an incorporated village and located within 100 feet of the village limits may extend to the village limits with the consent of the village board.

(e) Any cemetery established before April 30, 1887, may expand as provided in s. 157.05.

(4) If any cemetery located on property not subject to condemnation under ch. 32 is abandoned, the circuit court for the county in which the cemetery is located may authorize the removal of bodies from the cemetery to another cemetery upon the petition of 6 or more residents of the municipality in which the cemetery is located. Prior to authorizing the removal, the court shall publish a notice to all interested parties as provided in s. 879.05 (4). The court may not authorize the removal unless suitable arrangements have been made to reinter the bodies.

(5) Any violation of this section is a public nuisance.

SECTION 664. 157.12 of the statutes is repealed and recreated to read:

157.12 Cemetery vaults. (1) **DEFINITIONS.** In this section:

(a) "Department" means the department of industry, labor and human relations.

(b) "Vault" includes any cemetery vault, columbarium, crematorium, mausoleum or other structure wholly or partly above ground and used to store or dispose of corpses.

(2) CONSTRUCTION OF VAULTS. (a) Any person who constructs a vault or converts a building to a vault shall comply with the rules of the department and shall receive department approval in writing of the plans and specifications prior to construction or conversion. The department may adopt rules governing the location, material and construction of any vault. Any municipality may enact ordinances governing vaults at least as stringent as this section.

(b) The department shall supervise construction of any public or community vault and conversion of any building to a public or community vault. No person may modify departmental construction requirements without written approval of the department. No person may operate a public or community vault unless the department certifies in writing that construction or conversion complied with approved plans and that a maintenance fund under sub. (3) exists.

(c) No person may establish or use a public or community vault unless the vault is located inside a cemetery of 20 acres or more that has been in existence for 10 years or more.

(d) The underground portion of any vault shall be waterproof, weatherproof, airtight, of permanent construction and capable of being sealed permanently. The aboveground portion of any vault shall be weatherproof and of permanent construction.

(3) MAINTENANCE FUND. (a) Any person who operates a public or community vault shall establish a fund for the perpetual maintenance of the vault, in compliance with either subd. 1 or 2.

1. If the vault has been in existence since June 15, 1933, and is covered by the perpetual care fund of the cemetery in which the vault is located, the cemetery shall deposit at least 15% of the proceeds received by sale of cemetery lots into the fund, until the fund equals 10% of the cost of constructing the vault.

2. Except as provided in subd. 1, the operator of the vault shall apply at least 25% of all proceeds received from operating the vault, until the fund equals 25% of the cost of constructing the vault. The municipality in which the vault is located may require a larger fund.

(b) The cemetery's treasurer is the custodian of the fund. The treasurer shall file with the cemetery, at the cemetery's expense, a bond plus sureties approved by the county clerk to indemnify the cemetery against loss if the treasurer fails to maintain the fund. No indemnity is required if the terms of sale of the vault require the purchaser to pay directly to a trust company in the state, designated by the cemetery as custodian of the fund. The fund shall be invested as provided in ch. 881. Income from investment may be used only to maintain the vault.

(4) PENALTY. Any person, including a member of a firm or officer or director of a corporation, who violates this section is personally liable and shall be fined not less than \$100 nor more than \$500 or imprisoned not less than 10 days nor more than 6 months or both.

SECTION 665. Chapter 158 (title) of the statutes is renumbered chapter 457 (title).

SECTION 666. 158.01 (exc. 158.01 (12)) of the statutes is renumbered 457.01.

SECTION 667. 158.01 (12) of the statutes is repealed.

SECTION 667e. 158.02 of the statutes is renumbered 457.02.

SECTION 667m. 158.03 of the statutes is renumbered 457.03, and 457.03 (4), as renumbered, is amended to read:

457.03 (4) No person may engage in teaching or instructing apprentices in any school or college teaching barbering unless he or she holds a ~~Wisconsin~~ master barber's or shop manager's license, is a graduate from an approved high school or its equivalent as determined by examination by the board of vocational, technical and adult education or the university of Wisconsin extension and has passed an examination for an instructor's certificate in barbering conducted by the examining board and paid the fee specified in s. 440.05 (1). The certificate shall expire on June 1 in odd-numbered years succeeding issuance and be renewed on or before the expiration date at the renewal fee specified in s. 440.05 (3). The examination shall cover subjects usually taught in barber schools and colleges in practical work and theory.

SECTION 667s. 158.04 of the statutes is renumbered 457.04, and 457.04 (1) (b) and (c), (2) and (13), as renumbered, are amended to read:

457.04 (1) (b) A journeyman barber's license; or

(c) An apprentice permit card; or

(2) No person, firm or corporation shall may hire or employ any person to engage in the practice of barbering unless the person employed holds a valid master ~~or barber~~, journeyman barber or shop manager license or apprentice permit card.

(13) ~~Any~~ An inspector appointed under s. 457.05 or 458.05 shall have authority to enter into and inspect any barber shop ~~or school or college teaching barbering, beauty or electrolysis salon, or school of barbering or cosmetology~~ at any time during business hours.

SECTION 669. 158.05 of the statutes is renumbered 457.05 and amended to read:

457.05 (title) Inspectors. The department shall appoint a supervisor and not less than 2 inspectors under the classified service. ~~The supervisor and all inspectors shall have been engaged in the practice of barbering for at least 5 years immediately preceding their appointments to inspect barber shops, beauty and electrolysis salons and schools of barbering and cosmetology, who may be the same persons appointed under s. 458.05.~~

SECTION 670. 158.06 of the statutes is renumbered 457.06.

SECTION 671. 158.09 of the statutes, as affected by chapter 90, laws of 1979, is renumbered 457.09.

SECTION 672. 158.10 of the statutes, as affected by chapter 13, laws of 1979, is renumbered 457.10.

SECTION 673. 158.11 of the statutes is renumbered 457.11.

SECTION 674. 158.12 of the statutes, as affected by chapter 13, laws of 1979, is renumbered 457.12, and 457.12 (1), (2) (intro.) and (4), as renumbered, are amended to read:

457.12 (1) No barber shop shall may be conducted in this state except by one who, ~~in addition to holding a master barber's license,~~ holds a shop manager's license issued by the examining board, as provided in this section. The examining board shall issue a separate shop manager's license for each shop, which ~~license~~ is valid only in the place specified in said the license, and which is not transferable.

(2) (intro.) A An original shop manager's license may be granted only to one:

(4) All shop manager licenses shall expire on June 1 of odd-numbered years and may be renewed on payment of the renewal fee specified in s. 440.05 (3) and upon proof that the applicant holds either an unexpired or an expired master barber license.

SECTION 675. 158.124 to 158.15 of the statutes are renumbered 457.124 to 457.15, respectively, and 457.13 (1) (c), as renumbered, is amended to read:

457.13 (1) (c) Shop manager, certifying that ~~he~~ the holder is entitled to conduct a barber shop and to practice barbering and this license shall be posted in a conspicuous place in the shop managed by the licensee.

SECTION 676. Chapter 159 (title) of the statutes is renumbered chapter 458 (title).

SECTION 677. 159.01 to 159.03 of the statutes, as affected by chapter (Assembly Bill 560), laws of 1979, are renumbered 458.01 to 458.03, respectively.

SECTION 678. 159.05 of the statutes is renumbered 458.05 and amended to read:

458.05 (title) Inspectors. The department shall appoint, inspectors under the classified service, ~~field inspectors who shall have been engaged in the practice of cosmetology in this state as licensed cosmetologists for the last 3 years immediately preceding their appointment. Such field inspectors shall devote their time to inspecting to inspect barber shops,~~ beauty and electrolysis salons and schools of barbering and cosmetology ~~and in the performance of such other duties as are assigned by the department in connection with this chapter, and may enter any beauty and electrolysis salon or school of cosmetology during reasonable business hours for the purpose of inspection. In addition, the department shall appoint, under the classified service, such investigators as are required, whose qualifications shall be established jointly by the examining board and the director of personnel, to carry out investigations as assigned, who may be the same persons appointed under s. 457.05.~~

SECTION 679. 159.06 to 159.11 of the statutes, as affected by chapter (Assembly Bill 560), laws of 1979, are renumbered 458.06 to 458.11, respectively.

SECTION 680. 159.12 of the statutes, as affected by chapter (Assembly Bill 560), laws of 1979, is renumbered 458.12, and 458.12 (2), as renumbered, is amended to read:

458.12 (2) Apprentices must practice for at least 4,000 hours in a period of not less than 2 years or an equivalent period if credit is given for prior related training before they are eligible to apply to take the examination for operator's license. Apprentices shall be supervised and given instruction by a manager or a qualified designee in all branches of practical work and in the subjects required to be taught in schools of cosmetology as prescribed by the examining board. The examining board may recommend termination of an apprenticeship where there is evidence that the requirements of the examining board are not being met. No apprentice ~~or operator~~ may practice cosmetology unless under the supervision and direction of a licensed manager, except that the manager may designate a temporary replacement who meets the requirements of s. ~~159.08~~ 458.08 (2) (b) and is approved under rules of the examining board. When an apprentice or operator is the owner, director or lessee or has any financial interest in a beauty salon in which he or she is employed and such relationship is used to reduce the effectiveness of the salon manager in carrying out the provisions of this chapter, such action shall be considered cause for reprimand, for termination of the apprenticeship or limitation, suspension or revocation of the operator's license.

SECTION 681. 159.13 to 159.17 of the statutes are renumbered 458.13 to 458.17, respectively.

~~SECTION 681m. 161.14 (6) of the statutes is created to read:
161.14 (6) The listing of marijuana as a schedule I controlled substance does not apply to the use of marijuana, tetrahydrocannabinols or chemical derivatives of tetrahydrocannabinols in any research program under s. 146.90.~~

Vetoed
in Part

SECTION 681r. 165.79 (3) of the statutes is renumbered 165.79 (3) (b) and amended to read:

165.79 (3) (b) At any preliminary examination, a report of the laboratory's or local health department's findings with reference to all or any part of the evidence submitted, certified as correct by the administrator, the head of the local health department or a person designated by ~~the administrator~~ either of them, shall, when offered by the state or

the accused, be received as evidence of the facts and findings stated, if relevant and otherwise admissible in evidence. The expert who made the findings need not be called as a witness unless the expert's appearance is demanded by the opposing party, in which case the judge shall so order and adjourn the hearing to a time when the expert is available to testify.

SECTION 681t. 165.79 (3) (a) of the statutes is created to read:

165.79 (3) (a) In this paragraph, "local health department" means a city, county, city-county or multicounty health department.

SECTION 682. 176.05 (1a) (intro.) and (1m) of the statutes, as affected by chapter 34, laws of 1979, are amended to read:

176.05 (1a) (intro.) PERMITS TO MANUFACTURERS, WHOLESALERS, RECTIFIERS. No manufacturer, wholesaler or rectifier may sell, manufacture or rectify any intoxicating liquor within the state without first obtaining a permit from the secretary of revenue. The application for a permit and the permit shall be in the form the secretary of revenue prescribes. Each permit shall expire on July 1 of each year. The annual fee for permits shall be as follows: A manufacturer's permit, the sum of \$750; a rectifier's permit, the sum of \$750; and a wholesaler's permit, the sum of \$500, and a combination permit consisting of any 2 permits here listed for \$1,000 which shall be paid into the state treasury and credited to the general fund. A wholesaler's permit or a combination wholesaler's and manufacturer's permit shall not be granted to any manufacturer who was not selling intoxicating liquor at wholesale in this state on July 5, 1945. The secretary of revenue may also issue a limited manufacturer's permit for an annual fee of \$10. The secretary shall notify the department of natural resources of the name and address of any person to whom a limited manufacturer's permit is issued. If any manufacturer, wholesaler or rectifier violates any of the provisions of this chapter or ch. 139, the secretary of revenue may suspend or revoke a permit issued under this subsection for the period of time the secretary determines.

(1m) LIMITED MANUFACTURER'S PERMIT. A holder of a limited manufacturer's permit issued under sub. (1a) may use or sell the intoxicating liquor produced only if it is rendered unfit for use as a beverage and is used or sold for use ~~in an internal combustion engine as fuel.~~

SECTION 683. 176.30 (3) of the statutes is repealed and recreated to read:

176.30 (3) NEAR MENTAL HEALTH INSTITUTES. No person may sell, or in any way deal or traffic in, or for the purpose of evading law, give away any intoxicating liquors within one mile of any mental health institute. Any person who violates this subsection shall be fined not less than \$100 nor more than \$250 or be imprisoned not more than 6 months or both.

SECTION 684. 177.03 (title) and (1) of the statutes, as affected by chapter 102, laws of 1979, are amended to read:

177.03 (title) Unclaimed funds held by insurers. (1) Unclaimed funds held and owing by an insurer ~~doing a life insurance business~~ shall be presumed abandoned if the last-known address, according to the records of the insurer, of the person entitled to the funds is within this state. If a person other than the insured ~~or~~, annuitant, principal or claimant is entitled to the funds and no address is known to the insurer or if it is not definite and certain from the records of the insurer what person is entitled to the funds, it is presumed that the last-known address of the person entitled to the funds is the same as the last-known address of the insured ~~or~~, annuitant, principal or claimant according to the records of the insurer.

SECTION 685. 177.03 (2) of the statutes, as affected by chapter 102, laws of 1979, is renumbered 177.03 (2) (b) and amended to read:

177.03 (2) (b) ~~In this section “unclaimed funds” means all~~ All moneys held and owing by any insurer doing a life insurance business ~~if the moneys are~~ unclaimed and unpaid for more than 10 years after the moneys became due and payable as established from the records of the insurer under any life or endowment insurance policy or annuity contract which has matured or terminated. A life insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds are deemed to be due and payable if the policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled to the proceeds has within the preceding 10 years assigned, readjusted or paid premiums on the policy, subjected the policy to loan or corresponded in writing with the insurer concerning the policy. Moneys otherwise payable according to the records of the insurer are deemed due and payable although the policy or contract has not been surrendered as required.

SECTION 686. 177.03 (2) (intro.) and (a) of the statutes are created to read:

177.03 (2) (intro.) In this section, “unclaimed funds” includes:

(a) All moneys or drafts held and owing by any fire, casualty or surety insurer, unclaimed and unpaid for more than 10 years after the moneys or drafts become due and payable as established from the records of the corporation either to an insured, a principal or a claimant under any fire, casualty or surety insurance policy or contract.

SECTION 687. 177.05 (intro.), (1) and (2) of the statutes are renumbered 177.05 (1) (intro.), (a) and (b), respectively, and 177.05 (1) (b), as renumbered, is amended to read:

177.05 (1) (b) It is held or owing by a business association ~~doing business in this state, but~~ not organized under the laws of ~~or created in~~ this state, and the records of the business association indicate that the ~~last known~~ last-known address of the person entitled thereto is in this state.

SECTION 688. 177.05 (2) of the statutes is created to read:

177.05 (2) Any ownership interest in a business association normally evidenced by a certificate of ownership, or any ownership of a debt of a business association normally evidenced by a written instrument, as described in sub. (1), for which the owner has neither claimed his or her ownership or creditor's interest or any dividend, profit, distribution, interest, payment on principal or other sum due thereon, nor corresponded in writing with the business association concerning his or her ownership or ownership interest at any time within the immediately preceding 10 years, is presumed abandoned if:

(a) It is an ownership interest in, or a debt of, a business association organized under the laws of this state; or

(b) It is an ownership interest in, or debt of, a business association not organized under the laws of this state and the records of the business association indicate that the last-known address of the person entitled thereto is in this state.

SECTION 689. 177.10 (1) of the statutes is amended to read:

177.10 (1) It ~~may be~~ is claimed as abandoned or escheated under the laws of such other state; and

SECTION 690. 177.11 (9) of the statutes is created to read:

177.11 (9) No person may levy a service charge, fee, cost or other charge against property presumed abandoned under this chapter.

SECTION 691. 177.12 (4) of the statutes is amended to read:

177.12 (4) This section ~~is~~ does not ~~applicable~~ apply to sums payable on traveler's checks or ~~money~~ other purchased orders to pay presumed abandoned under s. 177.02.

SECTION 692. 177.13 of the statutes is renumbered 177.13 (1).

SECTION 693. 177.13 (2) of the statutes is created to read:

177.13 (2) Upon prior approval of the state treasurer, any holder of intangible personal property, the owner of which has ceased or failed to exercise dominion or control, to assert a right of ownership or possession, or to make presentment and demand for payment and satisfaction, or to do any other act in relation to or concerning the property for a period of 2 years or more, may elect to deliver the property to the state treasurer together with a report as provided in s. 177.11. Publication shall be made under s. 177.12 by the state treasurer at the next regular reporting period. The state treasurer may grant approval under this subsection only if the holder of intangible personal property demonstrates compliance with s. 177.11 (5).

SECTION 694. 177.14 (5) of the statutes is amended to read:

177.14 (5) The rights to reimbursement ~~set forth in, and provided by,~~ under this section shall be the obligation of the state and any amounts thereby recoverable or due, whether or not due under any judgment against the state, shall be paid from the ~~general fund~~ reserve established under s. 177.185.

SECTION 695. 177.17 (4) of the statutes is created to read:

177.17 (4) If one year or more after publication under s. 177.12 the state treasurer determines that any property delivered to the office under this chapter has no apparent commercial value, he or she may at any time thereafter destroy or otherwise dispose of the property, and in that event no action or proceeding may be brought or maintained against the state or any officer thereof or against the holder because of any action taken by the state treasurer under this chapter with respect to the property.

SECTION 696. 177.20 (1) of the statutes is amended to read:

177.20 (1) The department of justice shall consider any claim filed under this subchapter, ~~except a claim filed under sub. (3),~~ and may hold a hearing and receive evidence concerning it. If a hearing is held ~~it,~~ the department shall prepare a finding and a decision in writing on each claim filed, stating the substance of any evidence heard by ~~it~~ the department and the reasons for the decision. The decision shall be a public record.

SECTION 697. 177.20 (3) of the statutes is created to read:

177.20 (3) Subsections (1) and (2) do not apply to any claim having a value of less than \$50. The state treasurer may approve any claim having a value of less than \$50 for payment without prior approval of the department of justice upon presentation of appropriate evidence of entitlement thereto by the claimant.

SECTION 698. 177.215 of the statutes is created to read:

177.215 Agreements to locate reported property. (1) No person may seek or receive from another person or contract with a person for a fee or compensation for locating property which has been reported or paid or delivered to the state treasurer under this chapter until 6 months have elapsed since the date of delivery of the property by the holder to the state treasurer.

(2) Any agreement to locate or claim property held by the state treasurer under this chapter or any other chapter shall be in writing and signed by the owner of the property, and the agreement shall disclose, as an amount certain, the compensation and costs agreed upon between the parties for locating or claiming the property.

(3) Any agreement which does not comply with this section is void.

SECTION 699. 180.791 (1) (e), (2) and (3) of the statutes are amended to read:

180.791 (1) (e) A statement whether the corporation was engaged in actual business during the year 12 months immediately preceding the date of the report and the general nature of any such business.

(2) ~~Such~~ The annual report shall be made on forms prescribed and furnished by the secretary of state, and the information ~~therein~~ contained in the report shall be given as of the date of the execution of the report. It shall be executed by the corporation by its president, a vice president, secretary, assistant secretary, or treasurer, or, until the first election of officers, by one of its incorporators, or, if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation by such receiver or trustee. ~~The first annual report of a corporation organized under this chapter shall be filed between January 1 and March 31 of the year next succeeding the calendar year in which its articles of incorporation were filed by the secretary of state.~~

(3) The secretary of state shall, ~~during each December,~~ forward report blanks to every corporation in good standing ~~required to make an annual report not later than 60 days prior to the date on which the corporation is required by this chapter to file an annual report.~~

SECTION 700. 180.793 (1) and (2) (intro.) of the statutes are amended to read:

180.793 (1) The annual report shall be delivered to the secretary of state ~~between January 1 and March 31 of~~ in each year following the year in which the corporation's articles of incorporation are filed by the secretary of state, during the calendar year quarter in which the anniversary date of filing occurs. Unless the secretary of state finds that ~~such~~ the report fails to conform to the requirements of law, the secretary of state shall file the same. If the secretary of state finds that it does not so conform the secretary of state shall return the same to the corporation for any necessary corrections, in which event the ~~late fees~~ fee prescribed in this section for failure to file such report within the time provided ~~do~~ does not apply, if ~~such~~ the report is corrected to conform to the requirements of this chapter and returned to the secretary of state within 30 days after it was mailed to the corporation for correction.

(2) (intro.) Any such report not filed ~~before April 1 as required by sub. (1)~~ may be filed only upon payment to the secretary of state of ~~the following fees: \$21.~~

SECTION 701. 180.793 (2) (a) and (b) of the statutes are repealed.

SECTION 702. 180.793 (3) and (4) of the statutes are amended to read:

180.793 (3) If the report is not filed ~~before the following January 1 during the calendar year quarter as required by sub. (1),~~ the corporation shall not be in good standing. Within the next 6 months the secretary of state shall mail to the corporation a notice that it is no longer in good standing. If a corporation has been out of good standing ~~for more than~~ at least 3 consecutive years immediately prior to January 1, ~~1977~~ 1978, the secretary of state shall provide only the notice required under s. 180.769 (3). Until the corporation is restored to good standing the secretary of state shall not accept for filing any documents respecting such corporation except documents incident to its dissolution.

(4) The corporation may be restored to good standing by delivering to the secretary of state a current annual report conforming to the requirements of law and by paying to the secretary of state the ~~\$20~~ \$21 late filing fee plus \$10 for each calendar year or part ~~thereof~~ of a calendar year during which the corporation has not been in good standing, not exceeding a total of \$110.

SECTION 703. 180.87 (1) (a) to (n) and (p) of the statutes are amended to read:

180.87 (1) (a) Filing articles of incorporation, \$1.25 for each \$1,000 or fraction thereof of authorized par value shares, and 2.5 cents for each authorized share without par value, the minimum fee to be ~~\$55~~ \$70.

(b) Filing articles of amendment or restated articles of incorporation, ~~\$17~~ \$25; and an additional sum equal to \$1.25 for each \$1,000 or fraction thereof par value shares and 2.5 cents for each share without par value as authorized after such amendment or restated articles, less a credit computed at the foregoing rates upon all shares as authorized immediately prior to such amendment or restated articles.

(c) Filing articles of merger, or consolidation, ~~\$20~~ \$30; and an additional sum equal to \$1.25 for each \$1,000 or fraction thereof par value shares and 2.5 cents for each share without par value as authorized after such merger or consolidation, less a credit computed at the foregoing rates upon all shares of domestic corporations which are parties to merger or consolidation as authorized immediately prior to such merger or consolidation.

(d) Filing a statement of intent to dissolve or statement of revocation of voluntary dissolution procedures, ~~\$5~~ \$10.

(e) Filing articles of dissolution, ~~\$5~~ \$10.

(f) Filing an application to reserve a corporate name for 60 days, ~~\$5~~ \$10; and filing an application to reserve a corporate name ~~pursuant to~~ under s. 180.08 (3), \$50, plus \$10 for each year of reservation in excess of 5 years.

(g) Filing a notice of transfer of a reserved corporate name, ~~\$5~~ \$10.

(h) Filing a statement of change of address of registered office or change of registered agent, or both, or a statement of resignation of registered agent, ~~\$5~~ \$10. If simultaneous filings are made by one registered agent such fee shall be reduced to \$1 each on such filings in excess of 200.

(i) Filing an application of a foreign corporation for certificate of authority to transact business in this state, ~~\$55~~ \$75, and \$1.25 for every \$1,000 or fraction thereof of its capital exceeding ~~\$50,000~~ \$60,000 employed or to be employed in this state, computed as provided in s. 180.813, as shown by the application.

(j) Filing an annual report of a foreign corporation ~~\$17~~ \$25, and in case the annual report shows that the corporation employs in this state capital in excess of the amount of capital on which a fee has previously been paid, computed as provided in s. 180.813, an additional fee which, with previous payments made on account of capital employed in this state, will amount to \$1.25 for each \$1,000 or fraction thereof of the excess.

(k) Filing an application of a foreign corporation for amended certificate of authority to transact business in this state, ~~\$10~~ \$15, and in case the application shows that the corporation employs in this state capital in excess of the amount of capital on which a fee has previously been paid, computed as provided in s. 180.813, an additional fee which, with previous payments made on account of capital employed in this state, will amount to \$1.25 for each \$1,000 or fraction thereof of the excess.

(L) Filing a copy of amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in this state, ~~\$17~~ \$25. If the amendment is filed more than 60 days after the same has become effective in the home state, the corporation shall pay to the secretary of state a late fee of ~~\$25~~ \$40.

(m) Filing in the foreign corporation records of the office of the secretary of state a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this state other than with a domestic corporation, ~~\$17~~ \$30.

(n) Filing an application for withdrawal and final report of a foreign corporation, ~~\$10~~ \$15 and in case that final report shows that the corporation employs in this state capital in excess of the amount of capital on which a fee has previously been paid, computed as provided in s. 180.837 (2) (f), an additional fee which, with previous payments made on account of capital employed in this state, will amount to \$1.25 for each \$1,000 or fraction thereof of the excess.

(p) Filing an annual report of a domestic corporation, ~~\$8~~ \$10.

SECTION 704. 180.99 (11) of the statutes is amended to read:

180.99 (11) ANNUAL REPORT. A corporation organized and operating under this section shall furnish a report to the office of the secretary of state ~~by March 31 of~~ in each year ~~showing~~ following the year in which the corporation's articles of incorporation are

filed by the secretary of state, during the calendar year quarter in which the anniversary of the filing occurs. The report shall show the names and post-office addresses of all its shareholders, directors and officers, which shall certify that, with the exceptions permitted in sub. (7), all such persons are duly licensed, certified, registered or otherwise legally authorized to render the same professional or other personal service in this state. This report shall be made on forms prescribed and furnished by the secretary of state, but shall contain no fiscal or other information except that expressly called for by this subsection. It shall be signed by the president or vice president and the secretary or an assistant secretary of the corporation, and acknowledged before a notary public by the persons signing the report, shall be filed in the office of the secretary of state, and shall be in lieu of the regular annual report of corporations otherwise required by ch. 180. The filing of such reports shall be governed by s. 180.793 (2), (3) and (4).

SECTION 705. 181.68 (1) (a) of the statutes is amended to read:

181.68 (1) (a) Filing articles of incorporation, ~~\$25~~ \$35;

SECTION 706. 185.48 (1) (d), (2), (3) and (4) (intro.) of the statutes are amended to read:

185.48 (1) (d) A statement as to the general type of business engaged in during the ~~prior year~~ 12 months preceding the date of the report.

(2) ~~Such~~ The annual report shall be made on forms furnished by the secretary of state, and the information therein contained shall be given as of the date of the execution of the report. ~~Each December the~~ The secretary of state shall forward report blanks to each ~~co-operative~~ cooperative in good standing ~~required to make an annual report not later than 60 days prior to the date on which the cooperative is required to file an annual report under this chapter.~~

(3) The annual report shall be delivered to the secretary of state ~~between January 1 and March 31 of in each year following incorporation~~ the year in which the cooperative's articles of association are filed by the secretary of state, during the calendar year quarter in which the anniversary of the filing occurs. If the report does not conform to requirements, it shall be returned to the ~~co-operative~~ cooperative for necessary corrections. The penalties for failure to file such report shall not apply if it is corrected and returned within 30 days after receipt thereof.

(4) (intro.) Any report not filed ~~after March 31 as required by sub. (3)~~ may be filed only upon payment to the secretary of state of ~~the following fees: \$21.~~

SECTION 707. 185.48 (4) (a) and (b) of the statutes are repealed.

SECTION 708. 185.48 (5) and (6) of the statutes are amended to read:

185.48 (5) If the report is not filed ~~before the following January 1 within a year from the first day of the quarter~~ calendar year in which the report is required, under sub. (3), to be delivered, the cooperative is not in good standing. Within the next 6 months the secretary of state shall mail to the cooperative a notice that it is no longer in good standing. If a cooperative has been out of good standing for more than 3 consecutive years immediately prior to January 1, ~~1977~~ 1978, the secretary of state shall provide only the notice required under s. 185.72 (3). Until restored to good standing, the secretary of state shall not accept for filing any document respecting such cooperative except those incident to its dissolution.

(6) The cooperative may be restored to good standing by delivering to the secretary of state a current annual report and by paying the ~~\$20~~ \$21 late filing fee plus \$10 for each calendar year or part thereof during which it was not in good standing, not exceeding a total of \$110.

SECTION 709. 185.83 (1) (e) of the statutes is amended to read:

185.83 (1) (e) Filing an annual report of a cooperative, ~~\$8~~ \$10.

SECTION 709c. 194.01 (5) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

194.01 (5) "Common motor carrier" means any person who holds himself or herself out to the public as willing to undertake for hire to transport by motor vehicle between fixed termini or over a regular route upon the public highways, passengers or property other than livestock, fluid milk or other farm products or farm supplies transported to or from farms. The transportation of passengers in taxicab service or in commuter car pool or van pool vehicles with a passenger-carrying capacity of less than 15 ~~16~~ persons or in a school bus under s. 120.13 (27) shall not be construed as being that of a common motor carrier.

SECTION 709e. 194.04 (4) (a) to (c) of the statutes are amended to read:

194.04 (4) (a) Motor vehicles operated by common motor carriers of passengers, ~~twenty dollars~~ \$30.

(b) Motor vehicles operated by common motor carriers of property, ~~twenty dollars~~ \$30.

(c) Motor vehicles operated by contract carriers, ~~ten dollars~~ \$15.

~~SECTION 709g. 196.365 of the statutes is created to read:~~

Vetoed
in Part

~~196.365 Billing statements. In this section, "utility" means any person who owns, operates, manages or controls any plant or equipment or any part of a plant or equipment within the state, for the production, transmission, delivery or furnishing of heat, light or power either directly or indirectly to or for the public. No cooperative association organized under ch. 185 shall be deemed a utility under this definition. "Utility" includes any person engaged in the transmission or delivery of natural gas for compensation within this state by means of pipes or mains. At least once every 6 months every utility shall include with its billing notice to every residential consumer notice of any program for home energy audits or weatherization offered by the utility. The notice shall include an explanation of the purpose and advantages of an audit.~~

SECTION 709m. 196.491 (3) (d) 3 and 4 of the statutes are amended to read:

196.491 (3) (d) 3. The design and location or route is in the public interest considering alternative sources of supply, alternative locations or routes, individual hardships, engineering, economic, safety, reliability, and environmental factors. In its consideration of environmental factors, the commission may not determine that the design and location or route is not in the public interest because of the impact of air pollution if the proposed facility will meet the requirements of ss. 144.30 to 144.426.

4. The proposed facility will not have undue adverse impact on other environmental values such as, but not limited to, ecological balance, public health and welfare, historic sites, geological formations, the aesthetics of land and water and recreational use. In its consideration of the impact on other environmental values, the commission may not determine that the proposed facility will have an undue adverse impact on these values because of the impact of air pollution if the proposed facility will meet the requirements of ss. 144.30 to 144.426.

~~SECTION 709f. 196.645 of the statutes is renumbered 196.645 (1)~~

Vetoed
in Part

~~SECTION 709m. 196.645 (2) of the statutes is created to read:~~

~~196.645 (2) Notwithstanding sub. (1), any refund to a utility from an electric wholesaler resulting from a change of charges by the federal government shall be credited to the utility's retail customers. Such refund shall include interest and may be adjusted to correct overbilling and underbilling.~~

Vetoed
in Part

~~SECTION 709s. 196.96 of the statutes is created to read:~~

~~196.96 Utility residential weatherization. (1) INVESTIGATION. In this section, "energy conservation measure" means any measure which increases the energy efficiency of a residence, including, but not limited to, the installation of caulking, weatherstripping, insulation, storm windows, and alternative energy systems. The commission shall conduct a hearing under ss. 227.021 and 227.022 to investigate the adoption, by rule, of a utility residential weatherization program, which shall be designed to maximize the state-wide installation of energy conservation measures in residences lacking such measures. In its investigation, the commission shall consider the feasibility of including the following features in the program, without limitation because of enumeration:~~

Vetoed
in Part

~~(a) The systematic energy efficiency auditing of specified areas of utility residential service areas.~~

~~(b) Utility management and financing of the purchase and installation of energy conservation measures in residences as indicated to be necessary after an energy efficiency audit.~~

~~(c) A utility program to finance energy conservation measures which:~~

~~1. Offers customers the option of repayment under the periodic billing procedure or in a lump sum at the time of transfer of the residence in which the measures are installed or other appropriate option.~~

~~2. Treats the interest on a utility finance program under this paragraph in sum or in part as a current operating expense.~~

~~3. Contains an upper and lower limit on the cost of the energy conservation measures which may be financed under the program.~~

~~(d) Competitive bidding by utilities for contractors to purchase or install energy conservation measures.~~

~~(e) A program of residential audits using infrared thermography.~~

~~(2) REPORT. Prior to adoption of any rule under sub. (3), the commission shall submit a written report of its findings under sub. (1) to the presiding officer of each house of the legislature.~~

~~(3) RULES (a) Based on its findings under sub. (1) the commission shall adopt rules for a program under sub. (1) if the benefits due to energy conservation and reduction of energy costs, environmental degradation and social disruption exceed the costs due to purchase and installation of energy conservation measures. The commission may not create a program if it finds that the program would create greater inequity than would exist in the absence of the program.~~

~~(b) Any rule adopted under par. (a) shall:~~

~~1. Provide that the cost of a utility residential weatherization program net of any repayments shall be included in the utility rate structure as a current operating expense.~~

~~2. Be coordinated as much as possible with existing federal and state residential weatherization programs.~~

~~3. Provide that no public utility is liable for any defect in the energy conservation measures financed, purchased or installed under the program.~~

Vetoed
in Part

~~(c) If the commission determines that any rule adopted under this subsection conflicts with any provision of federal law, and if the law provides for a procedure of exemption from the law, the commission shall seek an exemption from such law and may direct a utility to seek such an exemption.~~

SECTION 709rt. 218.01 (2) (d) 1, 2, 5 and 6 of the statutes are amended to read:

218.01 (2) (d) 1. For motor vehicle dealers, \$10 \$20 for each office or branch thereof, plus \$1 for a supplemental license for each used motor vehicle lot within the same municipality, but not immediately adjacent to the office or to a branch.

2. For motor vehicle manufacturers, ~~\$\$~~ \$20; and for each factory branch in this state, ~~\$\$~~ \$20.

5. For motor vehicle salesmen, ~~\$2~~ \$4.

6. For factory representative, or distributor branch representative, ~~\$2~~ \$4.

SECTION 709v. 218.12 (2) of the statutes is amended to read:

218.12 (2) Applications for mobile home salesman's license and renewals thereof shall be made to the department on such forms as ~~it shall prescribe~~ the department prescribes and ~~furnish~~ furnishes and shall be accompanied by the annual license fee of ~~\$2~~ \$4. The application shall require such pertinent information as the department ~~shall require~~ requires. Licenses shall expire, unless sooner revoked or suspended, on December 31 of each year and application for renewal licenses shall be made by December 15 next preceding expiration of the current license year.

SECTION 709x. 227.01 (11) (e) of the statutes is amended to read:

227.01 (11) (e) Relates to the construction or maintenance of highways or bridges, except as provided in s. 85.025;

SECTION 710. 227.01 (11) (v) of the statutes is amended to read:

227.01 (11) (v) Establishes procedures used for the determination of allocations as charges to state agencies under s. 20.865 (1) (f) or (fm).

SECTION 710m. 227.01 (11) (z) of the statutes is created to read:

227.01 (11) (z) Defines or lists nonattainment areas under s. 144.371.

SECTION 711c. 227.021 (2) of the statutes is amended to read:

227.021 (2) The notice shall be given at least 10 days prior to the date set for the hearing. ~~Where~~ If notice is given through publication in the administrative register it ~~shall be~~ is deemed to have been given on the first or the 15th day of the month following ~~the publication of the issue of the register or, in case such~~ the publication is delayed beyond the ~~end of the month~~ date for which ~~such~~ the issue of the register is designated, then on the date prescribed in s. 227.026 (3).

SECTION 711g. 227.021 (3) (b) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

227.021 (3) (b) Either the text of the proposed rule in the form specified in s. 227.024 (1) ~~or a description of how a copy of the proposed rule in such a form may be obtained from the agency at no charge~~ an informative summary of the effect of the proposed rule; and

SECTION 711n. 227.021 (3) (f) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 227.021 (3) (g).

SECTION 711r. 227.021 (3) (f) of the statutes is created to read:

227.021 (3) (f) If the text of the proposed rule is not published under par. (b), a description of how copies of the text may be obtained from the agency at no charge; and

SECTION 711w. 227.026 (1) (d) and (3) of the statutes are amended to read:

227.026 (1) (d) ~~Publication~~ The date of publication of the issue of the register of which the rule is a part was delayed beyond the ~~end of the month in~~ date for which ~~such~~ the register was ~~is~~ designated for publication under s. 35.93 (3), in which event the rule becomes effective as provided in sub. (3).

(3) If, because of some contingency, an issue of the register ~~or the notice section of the register~~ is not published ~~during~~ before the first or 15th day of the month ~~by~~ for which the ~~particular~~ issue is designated in compliance with s. 35.93 (3), the department of administration shall stamp the ~~publication~~ date of publication on the title page of each copy of

that issue. Rules and notices contained in that issue of the register are not effective ~~until~~ earlier than the day following the date stamped on the title page.

SECTION 711x. 227.064 (4) of the statutes is created to read:

227.064 (4) This section does not apply if a hearing on the matter was conducted as a part of a hearing under s. 144.836.

SECTION 713. 227.22 (5) of the statutes is created to read:

227.22 (5) This chapter does not apply to proceedings of the claims board, except as provided in ss. 775.05 (5), 775.06 (7) and 775.11 (2).

SECTION 714. 230.046 (2) of the statutes is amended to read:

230.046 (2) SUPERVISORY TRAINING. After initial appointment to a supervisory position, the appointing authority shall ensure that each classified service supervisor shall successfully complete ~~completes~~ a supervisory development program approved by the secretary. A waiver of any part of the probationary period under s. 230.28 (1) (c) may not be granted before completion of the development program. The program shall include such subjects as state personnel policies, grievance handling, discipline, performance evaluation and the supervisor's role in management.

SECTION 715. 230.047 (4) (b) of the statutes is amended to read:

230.047 (4) (b) Employees who are on detail ~~shall be~~ are entitled to the same salary and benefits to which they would otherwise be entitled and shall remain employees of the sending agency for all purposes, including the payment of their salaries, and their continuous service benefits except that the supervision of their duties during the period of detail may be governed by agreement between the sending agency and the receiving agency, and except that a receiving agency other than a receiving agency of this state may provide supplemental salary and benefits to the employe for the duration of the interchange.

SECTION 717. 230.08 (2) (e) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 230.08 (2) (z) and amended to read:

230.08 (2) (z) ~~Division administrators under sub. (4), one additional division administrator position in the department of administration and all~~ All other officers and employees of the state whose positions are expressly excluded from the classified service by statute or whose positions cannot be placed under the classified service because of the restrictions placed on them by statute.

SECTION 717m. 230.08 (2) (e) of the statutes is created to read:

230.08 (2) (e) The number of division administrator positions as specified in this paragraph for any department as defined in s. 15.01 (1), with specific functional assignments to be determined by the appointing authority, except as otherwise provided in sub. (4) or as otherwise provided by law:

1. Administration — 5.
2. Agriculture, trade and consumer protection — 8.
3. Business development — 2.
4. Employment relations — 3.
5. Health and social services — 7.
6. Industry, labor and human relations — 6.
7. Justice — 3.
8. Local affairs and development — 4.
9. Natural resources — 4.
10. Public instruction — 5.
11. Regulation and licensing — 3.

12. Revenue — 3.

13. Transportation — 6.

14. Veterans affairs — 2.

Vetoed in Part SECTION 717r. 230.08 (2) (fs) of the statutes is created to read:
230.08 (2) (fs) Employees of the legislative reference bureau appointed under s. 13.92 (2) and (3) (b).

SECTION 718. 230.08 (2) (L) 3m of the statutes is created to read:

230.08 (2) (L) 3m. Department of employe trust funds.

SECTION 719. 230.08 (2) (p) of the statutes is created to read:

230.08 (2) (p) The executive director and an executive assistant to the executive director of the investment board.

SECTION 720. 230.08 (2) (pd) of the statutes is created to read:

230.08 (2) (pd) The chairperson of the parole board established under s. 46.03 (6) (c).

SECTION 722. 230.08 (2) (u) of the statutes is created to read:

230.08 (2) (u) Psychiatric residents employed in an educational training program by the department of health and social services.

SECTION 724m. 230.08 (4) of the statutes, as affected by chapter 34, laws of 1979, is repealed and recreated to read:

230.08 (4) DIVISION ADMINISTRATORS. (a) The number of administrator positions specified in sub. (2) (e) includes all administrator positions specifically authorized by law to be employed in a department, as defined in s. 15.01 (1), outside the classified service. Notwithstanding sub. (2) (z), no division administrator position exceeding the number authorized in sub. (2) (e) may be created in the unclassified service.

(b) Notwithstanding sub. (2) (e), no appointing authority may assign the functions enumerated in this paragraph to be supervised in whole or in part by a division administrator in the unclassified service:

1. Functions of the department of revenue relating to income, sales or excise tax administration.

2. Functions of the department of justice relating to criminal investigations.

3. Any function of the department of employe trust funds.

(c) Any proposal of a department, as defined in s. 15.01 (1), for a change in the number of positions enumerated in sub. (2) (e), before being submitted to the legislature, shall first be submitted by the department for a separate review by the department of administration and by the administrator. The department of administration's review shall include information on the appropriateness of the proposed change with regard to a department's current or proposed internal organizational structure under s. 15.02 (4). The administrator's review shall include information on whether the existing classified or existing or proposed unclassified division administrator position involved is or would be assigned to pay range 1-18 or above in schedule 1, or a comparable level, of the compensation plan under s. 230.12. The results of these reviews shall be provided by the department of administration and by the administrator to the joint committee on finance and the joint committee on employment relations at the same time that the department's proposal is presented to either committee.

SECTION 727. 230.12 (1) (f) of the statutes is created to read:

230.12 (1) (f) *Trainee pay rates.* When applicable, the compensation plan may provide for rates of pay below the minimum of the pay range to reflect the appropriate beginning pay for persons appointed to positions who do not possess the qualifications

necessary to perform the work at the classification level for which they are being trained. Pay increases up to the minimum of the pay range shall be provided to compensate for the attainment of additional qualifications during the trainee period.

SECTION 727m. 230.12 (5) (e) of the statutes is created to read:

230.12 (5) (e) *Appeal of discretionary performance award.* An employe who is dissatisfied with the evaluation methodology and results used by an agency to determine any discretionary performance award, or the amount of such an award, may grieve the decision to the appointing authority under the agency's grievance procedure. The decision of the appointing authority is final and may not be appealed to the commission under s. 230.44 or 230.45 (1) (c).

SECTION 728. 230.12 (6) of the statutes is amended to read:

230.12 (6) **ADDITIONAL HOURS OF WORK PROVISIONS.** Provisions relating to compensation for hours of work in addition to the standard basis of employment under s. 230.35 (5) (a) shall be provided for in the rules of the secretary. Employes shall be compensated in cash or time off for additional hours of work at the rate of ~~one and one-half~~ 1.5 times the regular rate, except for ~~employes in positions specifically~~ as exempted by the standards established under the rules of the secretary.

SECTION 729. 230.215 (3) (c) of the statutes is created to read:

230.215 (3) (c) Permanent part-time appointments may be made for any number of hours in excess of 600 hours per year.

SECTION 732. 230.26 (5) of the statutes is created to read:

230.26 (5) If the administrator determines that an agency is not in compliance with the requirements of, or rules related to, subs. (1) to (4) regarding a particular employe, the administrator shall direct the appointing authority to terminate the employe.

SECTION 733. 230.27 (title) of the statutes is amended to read:

230.27 (title) Project employment and appointments.

SECTION 734. 230.27 of the statutes is renumbered 230.27 (1) and amended to read:

230.27 (1) In this section "project appointment" means the appointment of a person to a project position under sub. (2), and "project employment" means employment of ~~at least 600 hours per year, other than short-term employment,~~ in a project position which is normally funded for 6 or more consecutive months and which requires employment for 600 hours or more per 26 consecutive biweekly pay periods for a planned undertaking which is not a regular and continuing function of the employing agency and which has an established probable date of termination. ~~The administrator may provide by rule for the selection and appointment of persons to project employment. An employe in a project employment position shall after 6 months receive all rights and privileges specifically authorized for state employes by statute except tenure, transfer, reinstatement, promotion eligibility and layoff benefits. Such employes' vacation, holidays under s. 230.35 (4) (d) and sick leave shall be on a prorated basis. Appointments~~ duration of a project appointment under this section may not extend for a period of more than 4 years, commencing with authorization for appointment to the position.

SECTION 735. 230.27 (2) of the statutes is created to read:

230.27 (2) The administrator may provide by rule for the selection and appointment of a person to a project position. An employe in a project position on a project appointment basis, while in the position, shall earn and receive all rights and privileges specifically authorized by statute for nonrepresented classified employes, except tenure, transfer, reinstatement, promotion eligibility and layoff benefits. A project employe's vacation and holidays under s. 230.35 (4) (d) and sick leave shall be on a prorated basis if the employe works less than full-time. Seniority, continuous service, benefits and rights

earned while serving a project appointment shall be transferred to or from other project, permanent, seasonal, or sessional appointments in the following manner:

(a) Project appointees who have not previously held a permanent classified or unclassified civil service position may not transfer continuous service rights and benefits earned in any project appointment to subsequent project or permanent appointments.

(b) Project appointees who previously held a permanent classified or unclassified civil service position prior to being appointed to a project position may transfer rights and benefits previously earned to the project appointment, except those rights and benefits specifically excluded under sub. (2), in a manner consistent with that applied to similar transactions in the permanent classified service. Such project employees who may subsequently be appointed to another project position or to a permanent classified position may transfer their rights and benefits to the new appointment in a manner consistent with that applied to similar transactions in the permanent classified service.

SECTION 736. 230.27 (3) of the statutes is created to read:

230.27 (3) A leave of absence may be granted under this section to cover the time served on a project appointment. Any time limits established under s. 230.35 do not apply to leaves of absence granted under this subsection.

SECTION 737. 230.28 (1) (am) of the statutes is amended to read:

230.28 (1) (am) All probationary periods for employees in ~~supervisor~~ supervisory or management positions ~~shall be~~ are one year unless waived after 6 months under par. (c). The waiver under par. (c) may be exercised for an employe in a supervisory position only if the employe has successfully completed the supervisory development program under s. 230.046 (2). However, persons who transfer or are reinstated to supervisory or management positions consistent with conditions under sub. (4) and who had previously obtained permanent status in class in a supervisory or management position prior to the transfer or reinstatement shall serve a probationary period in accordance with sub. (4).

SECTION 738. 230.30 of the statutes is created to read:

230.30 Employing units; establishment and revision. Each agency shall constitute an employing unit for purposes of personnel transactions, except where appropriate functional, organizational or geographic breakdowns exist within the agency. These breakdowns may constitute a separate employing unit for one or more types of personnel transactions under an overall employing unit plan if requested by the appointing authority of that agency and approved by the administrator. If the administrator determines, after conferring with the appointing authority of the employing agency, that an employing unit is or has become inappropriate to carry out sound personnel management practices due to factors including, but not limited to, the size or isolated location of portions of the employing unit, the administrator may revise the employing unit structure of the agency to effect the remedy required.

SECTION 739. 230.34 (1) (a) of the statutes is amended to read:

230.34 (1) (a) An employe with permanent status in class may be removed, suspended without pay, discharged, reduced in base pay or demoted only for just cause. ~~This paragraph shall~~

(ar) Paragraphs (a) and (am) apply to all employes with permanent status in class in the classified service, except that for employes in a certified bargaining unit covered by a collective bargaining agreement, the determination of just cause and all aspects of the appeal procedure shall be governed by the provisions of the ~~negotiated~~ collective bargaining agreement.

SECTION 740. 230.34 (1) (am) of the statutes is created to read:

230.34 (1) (am) If an employe fails to report for work as scheduled or to contact his or her supervisor, the appointing authority may discipline the employe. If an employe fails to report for work as scheduled, or to contact his or her supervisor for a minimum of 5 consecutive working days, the appointing authority shall consider the employe's position abandoned and may discipline the employe or treat the employe as having resigned his or her position. If the appointing authority decides to treat the position abandonment as a resignation, the appointing authority shall notify the employe in writing that the employe is being treated as having effectively resigned as of the end of the last day worked.

SECTION 741. 230.34 (1) (b) of the statutes is amended to read:

230.34 (1) (b) No suspension without pay shall be effective for more than 30 days. The appointing authority shall, at the time of any action under this section, furnish to the employe in writing the reasons therefor. ~~The reasons for such action shall be filed in writing with the administrator within 5 days after the effective date thereof for the action.~~

SECTION 742. 230.35 (2m) of the statutes is amended to read:

230.35 (2m) An employe of the state who as a result of long and faithful service has accumulated unused sick leave under sub. (2) shall, at the time of retirement or death, receive full conversion credit at current basic pay rate for those days. The conversion credit shall be recorded and used on behalf of the employe or surviving dependents to offset the cost of health insurance premiums under s. 40.16 (3). "Dependents" means the spouse of the employe or an employe's unmarried child as defined by the rules of the group insurance board. The appointing ~~officer~~ authority shall notify the group insurance board within 60 days of the employe's retirement of the amount of credit the employe is eligible to receive. The administration of this benefit ~~shall be~~ is subject to ch. 40, and the rules of the group insurance board.

SECTION 743. 230.35 (2r) of the statutes is amended to read:

230.35 (2r) Retirement and group insurance benefits for employes in permanent part-time or project positions as defined in s. 230.27 ~~shall be~~ are governed by the applicable provisions of chs. 40, 41 and 42 and s. 230.27, except that the state shall contribute ~~50%~~ 45% of the ~~employer's contribution premium~~ for standard health insurance coverage as specified under s. 40.16 (2) for insured employes in permanent part-time positions or project positions who work at least 600 but less than 1,044 hours per year and except that any employe in a project position on a project appointment is not required to meet any requirements regarding expected or actual duration of employment in excess of 6 months under chs. 40, 41 and 42 or the rules related to those chapters.

SECTION 744. 230.35 (5) (b) of the statutes is amended to read:

230.35 (5) (b) The standard basis of employment shall be divided into 5 work days of 8 hours each except as provided under s. 230.215 (5), and except that when the conditions of employment cannot be satisfied by adhering to this division or when the public would not be inconvenienced, deviations may be permitted upon recommendation of the appointing authority and subsequent approval by the ~~administrator~~ secretary.

SECTION 745. 230.36 (1) of the statutes is repealed and recreated to read:

230.36 (1) If a conservation warden, conservation patrol boat captain, conservation patrol boat engineer, state forest ranger, conservation field employe of the department of natural resources who is subject to call for fire control duty, member of the state patrol, state motor vehicle inspector, lifeguard, excise tax investigator employed by the department of revenue, investigator employed by the division of criminal investigation of the department of justice, special tax agent, state drivers' license examiner, member of the state fair police department, university of Wisconsin system police officer and other state facilities police officer and patrol officer, security officer, watcher, engineer, engineering aid, building construction superintendent, fire fighter employed at the Wisconsin veterans home, or guard or institutional aid or a state probation and parole officer or any other

employe whose duties include supervision and discipline of inmates or wards of the state at a state penal institution, including central state hospital or the Ethan Allen school or while on parole supervision outside of the confines of the institutions, or supervision of persons placed on probation by a court of record, or supervision and care of patients at a state mental institution, and university of Wisconsin hospital and clinics suffers injury while in the performance of his or her duties, as defined in subs. (2) and (3); or any other state employe who is ordered by his or her appointing authority to accompany any employe listed in this subsection while such listed employe is engaged in the duties defined in sub. (3), or any other state employe who is ordered by his or her appointing authority to perform the duties, when permitted, in lieu of such listed employe and while so engaged in the duties defined in sub. (3), suffers injury as defined in sub. (2) the employe shall continue to be fully paid by the employing agency upon the same basis as paid prior to the injury with no deduction from sick leave credits, compensatory time for overtime accumulations or vacation. The full pay shall continue, while the employe is unable to return to work as the result of the injury, or until the termination of his or her employment upon recommendation of the appointing authority. At any time during the employe's period of disability the appointing authority may order physical or medical examinations to determine the degree of disability at the expense of the employing agency.

SECTION 746. 230.36 (3) (c) (intro.) of the statutes is repealed and recreated to read:

230.36 (3) (c) (intro.) A guard, institution aide, or other employe at the university of Wisconsin hospital and clinics or at state penal and mental institutions, including central state hospital or the Ethan Allen school and state probation and parole officers, at all times while:

SECTION 747. 230.40 (6) of the statutes is created to read:

230.40 (6) The administrator shall administer this section.

SECTION 748. 230.43 (3) of the statutes is amended to read:

230.43 (3) PENALTY. Misdemeanors under this section are punishable by a fine of not less than \$50 nor more than \$1,000, or by imprisonment for not more than ~~2 years~~ one year in the county jail or both.

SECTION 748m. 230.44 (1) (intro.) of the statutes is created to read:

Vetoed in Part 230.44 (1) (intro.) Except as provided in par. (e), the following are actions appealable to the commission under s. 230.45 (1) (a) ~~or (e)~~:

SECTION 749. 230.44 (1) (a) of the statutes is amended to read:

230.44 (1) (a) *Decision of administrator.* Appeal of a personnel decision of the administrator, including but not limited to a refusal to examine an applicant or certify an eligible under s. 230.17, orders by the administrator under s. 230.05 (4) ~~and~~, actions and decisions of the administrator under s. 230.09 and decisions of the administrator concerning employing units under s. 230.30, shall be to the commission.

SECTION 749g. 230.44 (1) (e) of the statutes is created to read:

230.44 (1) (e) *Discretionary performance awards.* This subsection does not apply to decisions of an appointing authority relating to discretionary performance awards under s. 230.12 (5), including the evaluation methodology and results used to determine the award or the amount awarded.

SECTION 749r. 230.45 (2) of the statutes is created to read:

230.45 (2) Subsection (1) (c) does not apply to an employe who, using the agency grievance procedure, grieves his or her dissatisfaction with the evaluation methodology and results used to determine any discretionary performance award or the amount of such an award. Any such employe grievance shall be settled on the basis of the appointing authority's decision.

SECTION 750. 231.01 (4) to (6) of the statutes are amended to read:

231.01 (4) (a) "Project" means a:

1. A specific health facility work or improvement to be refinanced, acquired, constructed, enlarged, remodeled, renovated, improved, furnished or equipped, or any combination thereof, by the authority for lease to a participating health institution. "Project" also means one with funds provided in whole or in part under this chapter.

2. One or more structures suitable for use as a health facility, laboratory, laundry, nurses' or interns' residence or other multiunit housing facility for staff, employes, patients or relatives of patients admitted for treatment or care in a health facility, physician's facility, administration building, research facility, maintenance, storage or utility facility and other structures or facilities.

3. Any structure related to any of the foregoing or required or a structure listed in subd. 2.

4. Any structure useful for the operation of a health facility, including parking and other facilities or other supporting service structures essential or convenient for the orderly conduct of such the health facility.

(b) "Project" includes site preparation, landscaping, machinery, equipment and furnishings and other similar items ~~necessary or convenient~~ for the operation of a particular facility or structure ~~in the manner for which its use is intended~~, but does not include such items as fuel, supplies or other items, the costs of which ~~are customarily deemed to result in a current operating cost.~~

(c) "Project" may include any combination of ~~one or more of the foregoing projects~~ undertaken jointly by any participating health institution with one or more other participating health institutions.

(d) "Project" does not include any institution, place or building used or to be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship.

(5) (a) "Cost" ~~, as applied to a project financed under this chapter,~~ means the sum total of all costs incurred by a participating health institution, as approved by the authority, as are reasonable and necessary ~~for carrying out all works and undertakings necessary or incident~~ to accomplish the project, exclusive of any private or federal, state or local financial assistance received by the participating health institution for the payment of such the project cost.

(b) "Cost" includes, without limitation because of enumeration, ~~the:~~

1. The cost incurred by or on behalf of the participating health institution of all necessary developmental, planning and feasibility studies, surveys, plans and specifications, architectural, engineering, legal or other special services, the cost of acquisition of land and any buildings and improvements ~~thereon~~ on the land, site preparation and development including demolition or removal of existing structures, construction, reconstruction and equipment, including machinery, fixed equipment and personal property, ~~the.~~

2. The reasonable cost of financing incurred by a participating health institution in the course of the development of the project to the occupancy date, ~~carrying.~~

3. Carrying charges during construction to the occupancy date, ~~interest.~~

4. Interest on bonds issued to finance the project to a date 6 months subsequent to the estimated date of completion, ~~working.~~

5. Working capital not exceeding 3% of the estimated total project cost or 3% of the actual total final cost, whichever is larger, ~~the.~~

6. The fees and charges imposed by the authority or by others,~~necessary.~~

7. Necessary expenses incurred in connection with the initial occupancy of the project and the cost of such other items as the authority determines to be reasonable~~and necessary; less all.~~

8. A reserve for payment of the principal of and interest on the bonds.

(c) All rents and other net revenues from the operation of the real property, improvements or personal property on the project site or any part thereof by a participating health institution on and after the date on which the contract between a participating health institution and the authority was entered into and, but prior to the occupancy date, shall reduce the sum of all costs in this subsection.

(6) "Bonds" means bonds any bond, note or other obligation of the authority issued under this chapter, including any refunding bonds bond.

SECTION 751. 231.01 (10) of the statutes is amended to read:

231.01 (10) "State comprehensive health planning and development agency" or "agency" means the state comprehensive health planning agency department of health and social services, as designated under the federal partnership for health act, P.L. 89-749, as amended, or any successor to that agency s. 140.82 (1).

SECTION 752. 231.02 (1) of the statutes is amended to read:

231.02 (1) There is created a public body politic and corporate to be known as the "Wisconsin Health Facilities Authority". The authority shall consist of 7 members nominated by the governor, and with the advice and consent of the senate appointed for staggered 7-year terms. Members shall be residents of the state, and not more than 4 ~~shall~~ may be members of the same political party. The terms of the members of the authority first appointed shall serve for terms expiring expire on June 30 in 1974, 1975, 1976, 1977, 1978, 1979 and 1980, respectively. As soon as possible after the appointment of the initial members, the authority shall organize for the transaction of business. Each member's appointment remains in effect until a successor is appointed. Annually, the governor shall appoint one member as chairman chairperson and the authority shall elect one member as vice chairman chairperson.

SECTION 753. 231.02 (4) of the statutes is repealed.

SECTION 754. 231.03 (6), (8), (13) and (14) of the statutes are amended to read:

231.03 (6) Issue bonds of the authority for any of its corporate purposes and in such amounts as it deems necessary and fund or refund the same, all as provided in this chapter, provided, however, that all the bonds issued bonds. The aggregate amount of bonds outstanding under this chapter shall may not exceed \$50,000,000 in total amount \$100,000,000. Of this amount, no more than \$50,000,000 may be used to finance participating health facilities located in 1st or 2nd class cities.

(8) Establish rules for the use of a project or other health facilities owned by the authority facility or any portion thereof, and of the project or facility owned, financed or refinanced in whole or in part by the authority, including any property used as security for a loan secured through, from or with the assistance of the authority. The authority may designate a participating health institution as its agent to establish rules for the use of a project or other health facilities owned by the authority undertaken for that participating health institution. The rules shall ensure that a project, health facility or property may not be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship.

(13) Make loans to any participating health institution for the cost of a project in accordance with an agreement between the authority and the participating health institution. ~~No such~~ The authority may secure the loan by a mortgage or other security arrangement on the health facility granted by the participating health institution to the authority. The loan may not exceed the total cost of the project as determined by the participating health institution and approved by the authority.

(14) Make loans to a participating health facility to refund outstanding obligations or advances issued, made or given by the participating health institution for the cost of a project, ~~including the power to.~~ The authority may also issue bonds and make loans to a participating health institution to refinance indebtedness incurred by the participating health institution in projects undertaken and completed or for other health facilities acquired prior to or after June 19, 1974 when, only if [when] the authority finds that such the refinancing is in the public interest, ~~alleviates is the only reasonable alternative to~~ alleviating [alleviates] a financial hardship of ~~such~~ the participating health institution and results in a lessened cost of patient care and a saving to 3rd parties, including government, and to others who ~~must~~ pay for care. The authority shall report any refinancing under this subsection to the rate review committee established under s. 146.60, which shall reduce the financial requirements of the applicant health facility by the amount of interest savings when approving the facility's rates. The authority may secure the loan or bond by a mortgage or other security arrangement on the health facility granted by the participating health institution to the authority.

Vetoed
in Part

SECTION 755. 231.05 (2) and (3) of the statutes are amended to read:

231.05 (2) To support this intent, the authority shall may not make any loan or issue any bonds to finance a project unless the project is determined to be needed by the state comprehensive health planning and development agency.

(3) The authority shall, at the same time as it notifies the applicant of its action, notify the state health planning and development agency of ~~such~~ its action, including data in support of its decision.

SECTION 756. 231.07 of the statutes is repealed and recreated to read:

231.07 Property conveyance. (1) If the conditions of sub. (2) are satisfied, the authority shall:

(a) Release the lien of any mortgage, deed of trust or other security arrangement securing the bond; and

(b) Convey to the participating health institution the authority's interest in the project and in any other health facility leased, mortgaged or subject to a deed of trust or any other form of security arrangement to secure the bond.

(2) The authority shall release the lien of the security arrangement and convey title under sub. (1) if:

(a) The principal of and interest on any bond issued by the authority to finance a project or to refinance or refund outstanding indebtedness of one or more participating health institutions, including any refunding bonds issued to refund and refinance the bond, have been fully paid and the bonds retired or if the adequate provision has been made to pay fully and retire the bond; and

(b) The conveyance provides that the facility that was financed will not be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship.

SECTION 757. 231.13 (title) and (1) (intro.) of the statutes are amended to read:

231.13 (title) Project revenues. (1) (intro.) The authority shall ~~fix, revise, charge and collect rents for the use of, or other revenues relating to the financing of, each project which is leased to a participating health institution. Each lease entered into by the.~~ The

authority shall contract with a participating health institution for each issuance of bonds. The contract shall provide that the rents or other revenues payable by the health facility shall be sufficient at all times to:

SECTION 758. 231.16 (1) and (2) of the statutes are amended to read:

231.16 (1) The authority may ~~provide for the issuance of bonds of the authority for the purpose of refunding any bonds of the authority then outstanding~~ issue bonds to refund any outstanding bond of the authority or indebtedness that a participating health institution may have incurred for the construction or acquisition of a project prior to or after the effective date of this act (1979), including the payment of any redemption premium thereon on the outstanding bond or indebtedness and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase or maturity of such bonds, and, if deemed advisable by the authority, for the additional purpose of paying, or to pay all or any part of the cost of constructing and acquiring additions, improvements, extensions or enlargements of a project or any portion thereof, but no such of a project. No bonds may be issued under this section unless the authority has first entered into a new or amended lease agreement with a participating health institution which provides for the payment of rentals adequate to satisfy the requirements of to provide sufficient revenues to pay the costs and other items described in s. 231.13.

(2) The authority may apply the proceeds of ~~any such bonds issued for the purpose of refunding outstanding bonds~~ the bonds issued to refund or refinance any outstanding bond or indebtedness to the purchase or retirement at maturity or redemption of ~~such the outstanding bonds~~ bond or indebtedness either on ~~their~~ its earliest or any subsequent redemption date or upon the purchase or at the maturity thereof ~~and may, pending such of the bond or indebtedness. The authority may, pending application, place the proceeds in escrow to be applied to such the purchase or retirement at maturity or redemption on such any date as the authority determines.~~

SECTION 758d. 231.19 of the statutes is renumbered 231.19 (1).

SECTION 758f. 231.19 (2) of the statutes is created to read:

231.19 (2) The authority, annually on January 15, shall file with the department of administration and the legislative council a complete and current listing of all forms, reports and papers required by the authority to be completed by any person, other than a governmental body, as a condition of obtaining the approval of the authority or for any other reason. The authority shall attach a blank copy of each such form, report or paper to the listing.

SECTION 758g. 234.25 of the statutes is renumbered 234.25 (1).

SECTION 758h. 234.25 (2) of the statutes is created to read:

234.25 (2) The authority, annually on January 15, shall file with the department of administration and the legislative council a complete and current listing of all forms, reports and papers required by the authority to be completed by any person, other than a governmental body, as a condition of obtaining the approval of the authority or for any other reason. The authority shall attach a blank copy of each such form, report or paper to the listing.

SECTION 759. 236.02 (12) of the statutes is amended to read:

236.02 (12) ~~“Head of the planning function”~~ “Department” means ~~the head of the planning function of the department of local affairs and development.~~

SECTION 760. 236.12 (2) (a) of the statutes is amended to read:

236.12 (2) (a) Two copies for each of the state agencies required to review the plat to ~~the head of the planning function who department which~~ shall examine the plat for compliance with ss. 236.15, 236.16, 236.20 and 236.21 (1) and (2). If the subdivision abuts or adjoins a state trunk highway or connecting highway, ~~the head of the planning function~~

department shall transmit 2 copies to the department of transportation so that agency may determine whether it has any objection to the plat on the basis of its rules as provided in s. 236.13. If the subdivision is not served by a public sewer and provision for such service has not been made, the ~~head of the planning function~~ department shall transmit 2 copies to the department of ~~health and social services industry, labor and human relations~~ so that agency may determine whether it has any objection to the plat on the basis of its rules as provided in s. 236.13. In lieu of this procedure the agencies may designate local officials to act as their agents in examining the plats for compliance with the statutes or their rules by filing a written delegation of authority with the approving body.

SECTION 761. 236.12 (6) and (7) of the statutes are amended to read:

236.12 (6) In lieu of the procedure under subs. (2) to (5), the subdivider or ~~his~~ the subdivider's agent may submit the original plat to the ~~head of the planning function who~~ department which shall forward 2 copies to each of the agencies authorized by sub. (2) to object. The ~~head of the planning function~~ department shall have the required number of copies made at the subdivider's expense. Within 20 days of the date of receiving the copies of the plat any agency having authority to object under sub. (2) shall notify the subdivider, and all agencies having the authority to object, of any objection based upon failure of the plat to comply with the statutes or rules which its examination under sub. (2) is authorized to cover, or, if there is no objection, it shall so certify on the face of a copy of the plat and return that copy to the ~~head of the planning function~~ department. After each agency and the ~~head of the planning function~~ department have certified that they have no objection or that their objections have been satisfied, the ~~head of the planning function~~ department shall so certify on the face of the plat. If an agency fails to act within 20 days from the date of the receipt of copies of the plat, and the ~~head of the planning function~~ department fails to act within 30 days of receipt of the original plat it shall be deemed that there are no objections to the plat and, upon demand, it shall be so certified on the face of the plat by the ~~head of the planning function~~ department.

(7) The ~~head of the planning function~~ department and the state agencies referred to in s. 236.13 (1) may charge reasonable service fees for all or part of the costs of activities and services provided by the ~~head of the planning function~~ department under this section and s. 70.27. A schedule of such fees shall be established by rule by each such agency.

SECTION 762. 236.13 (1) (d) and (2m) of the statutes are amended to read:

236.13 (1) (d) The rules of the department of ~~health and social services industry, labor and human relations~~ relating to lot size and lot elevation necessary for proper sanitary conditions in a subdivision not served by a public sewer, where provision for ~~such~~ public sewer service has not been made;

(2m) As a further condition of approval when lands included in the plat lie within 500 feet of the ordinary high watermark of any navigable stream, lake or other body of navigable water or if land in the proposed plat involves lake or stream shorelands referred to in s. 236.16, the department of natural resources, ~~if it deems it necessary for the prevention of to prevent~~ pollution of navigable waters, or the department of health and social services, if it deems it necessary for the protection of industry, labor and human relations, to protect the public health and safety, may require assurance of adequate drainage areas for private sewage disposal systems and building setback restrictions, or provisions by the owner for public sewage disposal facilities for waters of the state, industrial wastes and other wastes, as defined in s. 144.01. ~~Such~~ The public sewage disposal facilities may consist of one or more systems as the department of natural resources or the department of ~~health and social services industry, labor and human relations~~ determines on the basis of need for prevention of pollution of the waters of the state or protection of public health and safety.

SECTION 763. 236.15 (1) (f) and (g) of the statutes are amended to read:

236.15 (1) (f) Any durable metal, stone or concrete monuments may be used in lieu of the iron pipes listed in pars. (c) and (d) provided that they are uniform within the platted area and have been approved by the ~~head of the planning function in the department of local affairs and development.~~

(g) In cases where strict compliance with this subsection would be unduly difficult or would not provide adequate monuments, ~~the head of the planning function in the department of local affairs and development~~ may make other reasonable requirements.

SECTION 764. 236.16 (3) of the statutes is amended to read:

236.16 (3) LAKE AND STREAM SHORE PLATS. All subdivisions abutting on a navigable lake or stream shall provide public access at least 60 feet wide providing access to the low watermark so that there will be public access, which is connected to existing public roads, at not more than one-half mile intervals as measured along the lake or stream shore except where greater intervals and wider access is agreed upon by the department of natural resources and the ~~head of the planning function department,~~ and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided. No public access established under this chapter may be vacated except by circuit court action.

SECTION 765. 236.20 (2) (L) of the statutes is amended to read:

236.20 (2) (L) When strict compliance with a provision of this section will entail undue or unnecessary difficulty or tend to render the plat more difficult to read, and when the information on the plat is sufficient for the exact retracement of the measurements and bearings or other necessary dimensions, ~~the head of the planning function in the department of local affairs and development~~ or, in 1st class cities of the 1st class, the city engineer may waive such strict compliance.

SECTION 766. 236.335 of the statutes is amended to read:

236.335 Prohibited subdividing; forfeit. No lot or parcel in a recorded plat ~~shall~~ may be divided, or ~~thereafter~~ used if so divided, for purposes of sale or building development if the resulting lots or parcels do not conform to this chapter ~~or, to any applicable ordinance of the approving authority or to the rules of the department of health and social services industry, labor and human relations~~ under s. 236.13. Any person making or causing such a division to be made shall forfeit not less than \$100 nor more than \$500 to the approving authority, or to the state if there is a violation of this chapter or ~~said~~ the rules of the department of ~~health and social services industry, labor and human relations.~~

SECTION 767. 236.45 (5) of the statutes is amended to read:

236.45 (5) REGULATION OF FEDERAL SURPLUS LAND. With respect to any surplus lands in excess of 500 acres in area, except the Bong air base in Kenosha county, sold in this state by the federal government for private development, ~~the department of local affairs and development may,~~ in accordance with the procedure specified in ch. 227, may regulate the subdivision or other division of such federal surplus land in any of the ways and with the same powers authorized hereunder for municipalities, towns or counties. Before promulgating such rules, the department shall first receive the recommendations ~~of the planning division and~~ of any committee appointed for that purpose by the governor.

SECTION 767am. 340.01 (31) of the statutes is amended to read:

340.01 (31) "Motor bus" means a motor vehicle designed primarily for the transportation of persons rather than property and having a passenger-carrying capacity of ~~13~~ 16 or more persons, including the operator. Passenger-carrying capacity shall be determined by dividing by 20 the total seating space measured in inches.

SECTION 767b. 340.01 (56) (a) 1m of the statutes is repealed.

SECTION 767c. 340.01 (56) (a) 4 of the statutes is amended to read:

340.01 (56) (a) 4. Persons having a handicap of a type specified under s. 115.76 (3) (a) to (g) to or from a public or private facility for purposes of participating in a rehabilitation, training, or educational program approved by the department of public instruction, or the department of health and social services, except as provided in par. (b) 4.

SECTION 767d. 340.01 (56) (b) 4 of the statutes is repealed and recreated to read:

340.01 (56) (b) 4. A motor vehicle registered under s. 341.26 (2) (n) and regulated under s. 346.97 which is used as a human services vehicle to transport adults for the purposes specified in par. (a) 4.

SECTION 767e. 340.01 (56) (b) 5 of the statutes is renumbered 340.01 (56) (b) 6 and amended to read:

340.01 (56) (b) 6. An automobile or station wagon used to provide pupil transportation in compliance with s. 346.96.

SECTION 767f. 340.01 (56) (b) 5 of the statutes is created to read:

340.01 (56) (b) 5. A motor vehicle registered under s. 341.26 (2) (n) and regulated under s. 346.97 which is designed to carry 10 persons or less including the operator and which is used to transport minors or both minors and adults for the purposes specified in par. (a) 4.

SECTION 767g. 340.01 (56) (b) 6 of the statutes is renumbered 340.01 (56) (b) 7.

SECTION 767h. 340.01 (56) (b) 8 of the statutes is created to read:

340.01 (56) (b) 8. A motor vehicle used temporarily to provide transportation for purposes specified under par. (a) when the secretary determines that an emergency exists because no alternative transportation is available for purposes specified in par. (a). The secretary may determine that an emergency exists only if a proposed plan to provide alternative transportation has been approved by the secretary but cannot be implemented immediately.

SECTION 767i. 341.065 of the statutes is created to read:

341.065 Alternative registration for certain vehicles. In lieu of registration as a school bus and payment of the fee under s. 341.26 (2) (d), a motor vehicle described in s. 340.01 (56) (b) 4 or 5 and operated in compliance with s. 346.97 may be registered under s. 341.26 (2) (n).

~~SECTION 767j. 341.14 (1r) of the statutes is created to read:~~

~~341.14 (1r) Upon application, the department shall issue special identification cards or stickers to persons who are physically disabled by any physical condition which renders the person unable to walk or unable to walk without great difficulty. Such card or sticker may be used only to give the disabled person the parking privileges under s. 346.50 (2), (2a) and (3) when operating a motor truck having a gross weight of less than 8,000 pounds. The applicant shall submit a physician's statement attesting to his or her physical condition with the application for the card or sticker.~~

Vetoed
in Part

~~SECTION 767k. 341.145 (1) (a) of the statutes is amended to read:~~

~~341.145 (1) (a) In this section, "personalized license plate" means a registration plate for an owned automobile, station wagon, motorcycle, moped or a motor truck which has a gross weight of not more than 6,000 pounds, which displays a registration number composed of letters or numbers, or both, requested by the applicant. Personalized license plates shall be of the same color and design as regular license plates and shall consist of numbers or letters, or any combination thereof, not exceeding 6 positions and not less than 2 positions.~~

Vetoed
in Part

SECTION 767L. 341.17 (8) of the statutes is created to read:

341.17 (8) The department shall charge a fee of not less than \$2 for conducting a file search of vehicle registration records.

SECTION 767Lm. 341.25 (1) (k) of the statutes is created to read:

341.25 (1) (k) For each motor vehicle operated in compliance with s. 346.97 and used exclusively to transport 7 or fewer adults under s. 340.01 (56) (b) 4, a fee of \$18.

SECTION 767Ln. 341.26 (2) (d) of the statutes is amended to read:

341.26 (2) (d) A school bus used exclusively for the transportation of students to or from school including extracurricular activities to or from points designated by the school, or a school bus used exclusively to transport persons under s. 340.01 (56) (a) 4, or a school bus used exclusively for the transportation of persons under s. 120.13 (27) and of students to or from school including extracurricular activities to or from points designated by the school, or a school bus used exclusively to transport persons under ss. 120.13 (27) and 340.01 (56) (a) 4;

SECTION 767m. 341.26 (2) (da) of the statutes is renumbered 341.26 (7) (b) and amended to read:

341.26 (7) (b) When engaged in passenger-carrying operations other than as provided in par. (a) or sub. (2) (d), ~~such school busses~~ a school bus shall register and pay the fees for motor busses provided for in be registered as a motor bus at a fee determined under s. 341.25 (2), which said fees may be paid as provided for in ss. 341.30 and 341.31 or the fees provided for automobiles or station wagons as or as an automobile or station wagon at the fee provided in s. 341.25 (1) (a). Fees for registration under s. 341.25 (2) may be paid in accordance with ss. 341.30 and 341.31. Fees for part-quarterly registration shall be computed on the basis of one-twelfth of the annual fee multiplied by the number of months of the current quarter which have not fully expired on the date of the application, ~~provided that, where the.~~ If a vehicle was not operated in other than school bus service, an affidavit of nonoperation satisfactory to the department shall be filed with the application;

SECTION 767n. 341.26 (2) (dm) of the statutes is created to read:

341.26 (2) (dm) A school bus which is not owned and operated by a school district and which is used exclusively to provide transportation under sub. (7) (a) and to transport students to or from school including extracurricular activities to or from points designated by the school, or a school bus which is not owned and operated by a school district and which is used exclusively to provide transportation under sub. (7) (a) and to transport persons under s. 340.01 (56) (a) 4;

SECTION 767o. 341.26 (2) (n) of the statutes is created to read:

341.26 (2) (n) A motor vehicle operated in compliance with s. 346.97 and used exclusively to transport more than 7 adults only or minors and adults under s. 340.01 (56) (b) 4 or 5.

SECTION 767p. 341.26 (7) (title) and (a) of the statutes are created to read:

341.26 (7) (title) TRANSPORTATION BY SCHOOL BUSES. (a) A person who uses any school bus, except a school bus registered under sub. (2) (d) or a school bus registered as provided in par. (b), to transport persons who are not pupils shall obtain a permit from the department for such transportation. The department shall issue a permit which shall be valid for a period of not more than 72 hours upon application and payment of a \$10 permit issuance fee.

SECTION 767q. 341.35 (title), (1), (2) (intro.) and (3) of the statutes are amended to read:

341.35 (title) Municipal or county vehicle registration fee. (1) ANNUAL REGISTRATION FEE. In this section "municipality" means a town, village or city and "motor vehicle" means an automobile or station wagon. The governing body of a municipality or county may enact an ordinance imposing an annual flat municipal or county registration fee on

all motor vehicles registered in this state and which are customarily kept in the municipality, ~~which~~ or county. A registration fee imposed under this section shall be in addition to state registration fees but not more than 50% of the state registration fee.

(2) (intro.) EXEMPTIONS. The following vehicles are ~~exempted~~ exempt from any municipal or county vehicle registration fee:

(3) PLACE OF PAYMENT. The municipal or county vehicle registration fee shall be paid to the treasurer of the municipality. ~~A~~ or county. Except as provided in sub. (3m), a municipal or county vehicle registration fee paid to one unit of government on any vehicle shall be valid in all other units of government through the date for which originally paid, if no change of ownership or registration occurs in such period.

SECTION 767qa. 341.35 (3m) of the statutes is created to read:

341.35 (3m) COUNTY AND MUNICIPAL FEES. If a municipality and the county in which the municipality is located enact ordinances under this section, a motor vehicle customarily kept in the municipality shall be subject to a municipal registration fee and a county registration fee.

SECTION 767qb. 341.35 (4) to (7) of the statutes are amended to read:

341.35 (4) NOTICE OF FEES. ~~A municipal~~ The governing body of a municipality or county which enacts a municipal or county vehicle registration fee shall notify the department that it has so elected and report the amount of such fee. The municipality or county shall report any change in such amount to the department. The notification shall be made at the time and in the form prescribed by the department.

(5) NOTICE AND PAYMENT OF FEE. (a) The department shall require evidence of payment of the municipal or county vehicle registration fee on all vehicles subject thereto as a condition of registration under this chapter.

(b) Prior to the return of the registration renewal application to the department, the applicant shall pay the municipal or county vehicle registration fee to the municipal or county treasurer, ~~who~~. The local treasurer shall record on the registration renewal application or on a separate statement, if required by the department, the fact that the municipal or county vehicle registration fee has been paid.

(c) The department shall refuse an original or renewal application for registration unless the application bears an authentic indication that the municipal or county vehicle registration fee has been paid. The department may provide for temporary original registrations for such periods as are necessary to permit payment thereof to the local treasurer.

(d) The department shall establish uniform specifications for all receipts and payment stamps used by a municipality or county in certifying payment of this tax.

(6) REIMBURSEMENT. At the end of each calendar year the department shall determine the average cost of preparing and submitting the information required by this section for a vehicle, and shall bill each municipality or county levying such a fee for the number of vehicles registered ~~therein~~ by the municipality or county. The municipality or county shall reimburse the state for such administrative costs.

(7) REPLACEMENTS. No municipal or county vehicle registration fee may be imposed on a motor vehicle which is a replacement for a motor vehicle for which a current municipal or county vehicle registration fee has been paid.

SECTION 767r. 341.405 (2) of the statutes is amended to read:

341.405 (2) In addition to apportioned registration fees, a fee of \$3 shall be charged for each base plate and a fee of \$3 shall be charged for each cab card issued under the international registration plan. Registration Registrants for which this state is the base jurisdiction may elect to pay the annual fee apportioned to this state in 4 equal instalments on or before January 1, April 1, July 1 and October 1. Registrants shall pay an

additional annual fee of \$10 for each vehicle under the instalment option. The department of transportation may require the filing of an adequate bond or letter of credit to secure the payment of fees under the instalment plan. Trip permits may be issued for 72-hour periods at a fee of ~~\$10~~ \$15, under terms and conditions not inconsistent with the international registration plan.

SECTION 767ra. 341.41 (7) of the statutes is amended to read:

341.41 (7) Except as to foreign owned vehicles required by s. 341.07 to be registered in this state, vehicles owned or operated by a nonresident in interstate movement may be qualified by advance purchase of a trip permit which authorizes operation for a 72-hour period when the vehicle is not eligible for reciprocal privileges. The fee for ~~such the~~ trip ~~permits permit~~ shall be ~~determined by the secretary~~ not less than \$15. The secretary shall make rules and regulations for the issuance and use of ~~such the~~ permits.

SECTION 767rb. 341.57 (2) of the statutes is amended to read:

341.57 (2) A finance company licensed under s. 138.09 or 218.01, a credit union licensed under ch. 186 or a state bank or a national bank with offices in this state, may apply to the department for registration on such form as the department provides. Upon receipt of the application together with a registration fee of ~~\$25~~ \$75, the department shall register the applicant and shall issue one registration plate containing the registration number assigned to the applicant. The department upon receiving a fee of ~~\$1~~ \$5 for each additional plate desired by the applicant shall issue such additional plates as the applicant orders, except that a credit union licensed under ch. 186 may not be issued such additional plates. Section 341.52 applies to the design of the plates. The registration and plates are valid only during the calendar year for which issued. Plates are transferable from one motor vehicle to another.

SECTION 767rc. 342.09 (3) of the statutes is created to read:

342.09 (3) The department shall charge a fee of not less than \$2 for conducting a file search of vehicle title records.

SECTION 767rd. 342.14 (1), (2), (3) and (5) of the statutes are amended to read:

342.14 (1) For filing an application for the first certificate of title, ~~\$2~~ \$4, by the owner of the vehicle.

(2) For the original notation and subsequent release of each security interest noted upon a certificate of title, a single fee of ~~\$1.50~~ \$4.00 by the owner of the vehicle.

(3) For a certificate of title after a transfer, ~~\$2~~ \$4, by the owner of the vehicle.

(5) For a replacement certificate of title, ~~\$5~~ \$7, by the owner of the vehicle.

SECTION 767rf. ~~342.15 (4) (a) of the statutes is amended to read:~~

Vetoed
in Part

~~342.15 (4) (a) If the vehicle being transferred is an automobile or station wagon registered under the monthly series system or a motorcycle, moped or motor truck for which personalized license plates have been issued, the owner shall remove the registration plates and retain and preserve them for use on any other vehicle of the same type which may subsequently be registered in his or her name. If the vehicle being transferred is a motor truck registered under the maximum gross weight system for 6,000 pounds or less, the owner shall remove the registration plates and retain and preserve them for use on any other motor truck which may subsequently be registered for not more than 6,000 pounds in his or her name.~~

SECTION 767rh. ~~342.34 (1) (c) of the statutes is amended to read:~~

~~342.34 (1) (c) If the motor vehicle is an automobile or station wagon registered under the monthly series system or a motorcycle, moped or motor truck for which personalized license plates have been issued, the owner shall remove the registration plates and retain and preserve them for use on any other vehicle of the same type which may subsequently~~

~~be registered in his or her name. If the motor vehicle is a motor truck registered under the maximum gross weight system for 6,000 pounds or less, the owner shall remove the registration plates and retain and preserve them for use on any motor truck which may subsequently be registered for not more than 6,000 pounds in the owner's name. If the motor vehicle is not an automobile or station wagon registered under the monthly series system, or a motorcycle, moped or motor truck for which personalized license plates have been issued, or a motor truck registered under the maximum gross weight system for 6,000 pounds or less, he or she shall remove and destroy the plates.~~

Vetoed
in Part

SECTION 767rj. 343.126 (1) (intro.) of the statutes is amended to read:

343.126 (1) (intro.) When at least ~~30~~ 15 days of a period for which a person's chauffeur's license has been revoked have elapsed or, in the case of an appeal which is subsequently dropped or affirmed, if at least ~~30~~ 15 days have elapsed since the date of revocation following the dropping or affirmance of the appeal, the secretary may, upon application therefor accompanied by a filing fee of \$5, issue a limited chauffeur's license to ~~such~~ the person if:

SECTION 767rk. 343.16 (1) (a) 1 of the statutes is amended to read:

343.16 (1) (a) 1. The examination for persons making their first application for an operator's license shall include a test of the applicant's eyesight, ability to read and understand highway signs regulating, warning and directing traffic, knowledge of the traffic laws, including s. 346.26, understanding of fuel-efficient driving habits and the relative costs and availability of other modes of transportation, and an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle. The department may require persons changing their residence to this state from another jurisdiction, persons applying for a reinstated license after termination of a revocation period and any person who has received more than 6 demerit points under s. 343.32 (2) at any time since the last renewal unless during the preceding year the person has participated in the driver improvement program under s. 343.32 (2), to take all or parts of the examination required of persons making their first application for a driver's license. Any applicant who is required to give an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle shall furnish a vehicle in safe operating condition for use in testing ability.

SECTION 767rm. 343.21 (1) (a), (ba) and (d) to (j) of the statutes are amended to read:

343.21 (1) (a) For the issuance of an instruction permit, ~~\$5~~ \$10.

(ba) For the issuance of a chauffeur's license, ~~\$4~~ \$6.

(d) For the reinstatement of a license after cancellation, ~~\$10~~ \$20.

(e) For the reinstatement of a license previously revoked, ~~\$25~~ \$30.

(f) For the issuance of a duplicate license, ~~\$2~~ \$4, except that no fee ~~shall~~ may be charged if the reason for issuance of the duplicate license is a change of name and the original license is returned with the application.

(g) In addition to the fees set for the issuance of the licenses enumerated under pars. (b), (ba) and (e), there shall be paid to the department an examination fee of ~~\$2~~ \$5. Payment of ~~such the~~ such the examination fee ~~shall entitle~~ entitles the applicant to not more than 3 tests of the applicant's ability to exercise reasonable control in the operation of a motor vehicle. If the applicant does not qualify for issuance of a license in 3 such tests, then a ~~second~~ 2nd examination fee of ~~\$2~~ \$5 shall be paid, which payment ~~shall entitle~~ entitles the applicant to not more than 3 additional tests.

(h) For the validation of a current operator's license for operation of a motor-driven cycle, ~~\$2~~ \$4.

(j) For the reinstatement of a license previously suspended under this chapter or under ch. 345, ~~\$10~~ \$20.

SECTION 767s. 343.24 of the statutes is renumbered 343.24 (1).

SECTION 767v. 343.24 (2) of the statutes is created to read:

343.24 (2) The department shall charge the following fees for conducting searches of vehicle operators' records:

(a) For each file search, \$2.

(b) For each computerized search, \$2.

(c) For each search requested by telephone, \$3, or an established monthly service rate determined by department.

SECTION 767x. 343.30 (1m) of the statutes is repealed.

SECTION 768. 343.30 (1q) (a) and (b) (intro.) of the statutes are amended to read:

343.30 (1q) (a) Upon the conviction of any person for violation of s. 346.63 (1) or a local ordinance in conformity therewith, the trial court may, with the person's consent and prior to sentencing the person, order him or her to submit to an assessment by an approved public treatment facility as defined in s. 51.45 (2) (c) by examination of the person's use of alcohol or controlled substances and development of a rehabilitation plan for the person. The court may develop criteria to use in determining whether assessment is needed. In developing these criteria, the court shall consult with a board established under s. 51.42. If the court initially finds that assessment is not needed, it shall, with the person's consent, order attendance at a school under s. 345.60. If the school under s. 345.60 finds that assessment is needed, it shall report this to the court and the court may, with the person's consent, order assessment as provided in this paragraph for rehabilitative purposes. The department of health and social services shall establish standards for assessment procedures and rehabilitation plan programs by rule. The department of health and social services shall establish by rule conflict of interest guidelines for providers. Prior to developing a plan which specifies treatment, the facility shall make a finding that treatment is necessary and appropriate services are available. The facility shall submit a report of the assessment and the rehabilitation plan within 14 days to the court, the department and the person, except that upon request by the facility and the person, the court may extend the period for assessment. The report submitted to the person shall contain a statement that compliance with the rehabilitation plan shall not be in lieu of any revocation period, forfeiture, fine or imprisonment unless the court orders the person to comply with the rehabilitation plan recommended by the facility. Upon receipt of the report the court may, with the person's written consent, order the person to comply with the rehabilitation plan recommended by the facility. If the court orders assessment or rehabilitation under this paragraph, it shall inform the person that the fee may be reduced or waived under s. 46.03 (18) (f) if the person is unable to pay the complete fee. The court may require the person to appear before the court, in chambers, for the purpose of considering the rehabilitation plan and obtaining the person's written consent if it deems the appearance appropriate. The rehabilitation plan may include treatment for the person's misuse, abuse or dependence on alcohol or controlled substances, attendance at a school under s. 345.60, or both. If the plan requires inpatient treatment, the treatment shall not exceed 30 days. An order for rehabilitation under this paragraph shall include a termination date consistent with the plan but in no case shall the order extend beyond one year. A person who fails substantially to comply with rehabilitation ordered under this paragraph shall have his or her operating privilege revoked by the court under par. (c) or (d).

(b) (intro.) Rehabilitation ordered and substantially complied with under par. (a) or a final determination by a court that the person does not need assessment ~~combined with an order to attend~~ based on a report that the person has completed the court-ordered attendance at a school under s. 345.60 shall:

SECTION 769. 343.305 (9) (a) and (b) of the statutes are amended to read:

343.305 (9) (a) When directed to proceed under this subsection by sub. (8) the court may, with the person's consent, order the person to submit to an assessment by an approved public treatment facility as defined in s. 51.45 (2) (c) by examination of the person's use of alcohol or controlled substances and development of a rehabilitation plan for the person. The court may develop criteria to use in determining whether assessment is needed. In developing these criteria, the court shall consult with a board established under s. 51.42. If the court initially finds that assessment is not needed, it shall, with the person's consent, order attendance at a school under s. 345.60. If the school under s. 345.60 finds that assessment is needed, it shall report this to the court and the court may, with the person's consent, order assessment as provided in this paragraph for rehabilitative purposes. The department of health and social services shall establish standards for assessment procedures and rehabilitation plan programs by rule. The department shall establish by rule conflict of interest guidelines for providers. Prior to developing a plan which specifies treatment, the facility shall make a finding that treatment is necessary and appropriate services are available. The facility shall submit a report of the assessment and the rehabilitation plan within 14 days to the court, the department and the person, except that upon request by the facility and the person, the court may extend the period for assessment. The report submitted to the person shall contain a statement that compliance with the rehabilitation plan shall not be in lieu of any revocation period, forfeiture, fine or imprisonment unless the court orders the person to comply with the rehabilitation plan recommended by the facility. Upon receipt of the report the court may, with the person's written consent, order the person to comply with the rehabilitation plan recommended by the facility. If the court orders assessment or rehabilitation under this paragraph, it shall inform the person that the fee may be reduced or waived under s. 46.03 (18) (f) if the person is unable to pay the complete fee. The court may require the person to appear before the court, in chambers, for the purpose of considering the rehabilitation plan and obtaining the person's written consent if it deems the appearance appropriate. The rehabilitation plan may include treatment for the person's misuse, abuse or dependence on alcohol or controlled substances, attendance at a school under s. 345.60, or both. If the plan requires inpatient treatment, the treatment shall not exceed 30 days. An order for rehabilitation under this paragraph shall include a termination date consistent with the plan but in no case shall the order extend beyond one year. A person who fails substantially to comply with rehabilitation ordered under this paragraph shall have his or her operating privileges revoked by the court under par. (c) or (d).

(b) Rehabilitation ordered and substantially complied with under par. (a) or a final determination by a court that the person does not need assessment ~~combined with an order to attend~~ based on a report that the person has completed the court-ordered attendance at a school under s. 345.60 shall be in lieu of the last 3 months of the revocation under par. (c) or shall be in lieu of the last 6 months under par. (d).

SECTION 769e. 343.31 (1) (i) of the statutes is created to read:

343.31 (1) (i) Knowingly fleeing or attempting to elude a traffic officer.

SECTION 769m. 343.31 (3) of the statutes is amended to read:

343.31 (3) All (a) Except as otherwise provided in this subsection, all revocations under this section shall be for a period of one year, ~~except that when~~.

(b) If the revocation results from a first conviction of operation of a motor vehicle while under the influence of an intoxicant or controlled substance, and such the conviction occurs in another jurisdiction, the period of revocation shall be 90 days, and except that any.

(c) Any person convicted under s. 940.09 of negligent operation or handling of a motor vehicle shall have his or her operating privilege revoked for 5 years.

SECTION 769s. 343.31 (3) (d) of the statutes is created to read:

343.31 (3) (d) Any person convicted of knowingly fleeing or attempting to elude a traffic officer shall have his or her operating privilege revoked for 6 months.

SECTION 769t. 343.32 (2) of the statutes is amended to read:

343.32 (2) (a) The secretary may suspend or revoke a person's operating privilege if such the person appears by the records of the department to be an habitually reckless or negligent operator of a motor vehicle or to have repeatedly violated any of the state traffic laws or any local ordinance enacted under ch. 349. For the purpose of determining when to suspend or revoke an operating privilege under this subsection, the secretary may determine and adopt by rule a method of weighing traffic convictions by their seriousness and may, subject to the limitations in this subsection, change such weighted scale as experience or the accident frequency in the state makes necessary or desirable.

(b) The scale adopted by the secretary shall assign at least the number of demerit points outlined in this paragraph for each conviction within a 3-year period of exceeding the lawful speed limit:

1. For the first conviction, 3 demerit points for exceeding the lawful speed limit by 10 or less miles per hour, 4 demerit points for exceeding the lawful speed limit by more than 10 but less than 20 miles per hour, or 6 demerit points for exceeding the lawful speed limit by 20 or more miles per hour;

2. For the 2nd conviction, 4 demerit points for exceeding the lawful speed limit by 10 or less miles per hour, 6 demerit points for exceeding the lawful speed limit by more than 10 but less than 20 miles per hour, or 8 demerit points for exceeding the lawful speed limit by 20 or more miles per hour;

3. For the 3rd conviction, 5 demerit points for exceeding the lawful speed limit by 10 or less miles per hour, 8 demerit points for exceeding the lawful speed limit by more than 10 but less than 20 miles per hour, or 10 demerit points for exceeding the lawful speed limit by 20 or more miles per hour;

4. For the 4th conviction, 6 demerit points for exceeding the lawful speed limit by 10 or less miles per hour, 10 demerit points for exceeding the lawful speed limit by more than 10 but less than 20 miles per hour, or 12 demerit points for exceeding the lawful speed limit by 20 or more miles per hour; and

5. For the 5th or any subsequent conviction, 7 demerit points for exceeding the lawful speed limit by 10 or less miles per hour, 12 demerit points for exceeding the lawful speed limit by more than 10 but less than 20 miles per hour, or 14 demerit points for exceeding the lawful speed limit by 20 or more miles per hour.

(c) In order for the secretary to suspend or revoke an operating privilege under this subsection, the operator must have accumulated 12 demerit points in any 12-month period, 18 demerit points in any 24-month period, or 24 demerit points in any 36-month period.

(d) When an operator accumulates more than 6 demerit points required for suspension or revocation of an operating privilege or has been involved in 2 or more accidents in a one-year period where the accident report indicates that such the person may have been causally negligent, the secretary may require such the operator to report to an examining

station for driver improvement counseling, consisting of either group or individual counseling, reexamination or both.

(e) The secretary may require any person who has had the his or her operating privilege suspended or revoked, whether ~~such~~ the suspension or revocation is the result of action under s. 343.30 or 343.32, or conviction for an offense which requires mandatory revocation under s. 343.31 to participate in such driver improvement counseling, consisting of either group or individual counseling, reexamination or both. ~~Such~~

(f) A reexamination required under par. (d) or (e) may consist of all or part of the tests specified in s. 343.16 (1) (a) 1, or any other special examination as required under s. 343.16 (2). Upon conclusion of ~~such~~ the counseling, interview and examination, the secretary shall take action as authorized at the conclusion of other examinations under s. 343.16 (3) (a).

(g) In exercising the authority to suspend or revoke an operating privilege under this section, the secretary may suspend such privilege only when the operator has not had the his or her operating privilege suspended or revoked previously, except under s. 344.14 (1), or when the operator's present demerit point accumulation is not more than 25% above the demerit point accumulation set for suspension or revocation. In all other cases under this section, the secretary shall revoke the operating privilege of ~~such~~ the operator.

(h) In regard to convictions which are not by themselves grounds for mandatory revocation of a license, ~~such~~ the rule adopted under par. (a) shall provide that demerit points accumulated when a person is not operating a vehicle as a chauffeur ~~shall~~ may not be counted against the chauffeur's license but such rule may provide that demerit points accumulated by a person when operating a vehicle as a chauffeur shall be counted against the regular license. When a person who has had ~~the~~ his or her regular license revoked continues to operate as a private operator and ~~who~~ the person also has a chauffeur's license and is convicted of any traffic violation, 12 demerit points shall be assigned against the ~~chauffeur's~~ person's chauffeur license.

SECTION 769u. 343.44 (2) of the statutes is amended to read:

343.44 (2) Any person violating this section may be fined not less than \$100 nor more than \$400 and shall be imprisoned not less than ~~10~~ 5 days nor more than 6 months for the first offense. For a 2nd conviction within 5 years a person may be fined not less than \$100 nor more than \$400 and shall be imprisoned not less than ~~30~~ 5 days nor more than 6 months. For a 3rd conviction within 5 years a person may be fined not less than \$100 nor more than \$400 and shall be imprisoned not less than ~~60~~ 5 days nor more than 6 months. For a 4th conviction within 5 years, a person may be fined not less than \$100 nor more than \$400 and shall be imprisoned not less than 90 days nor more than 6 months. For a 5th or subsequent conviction within 5 years a person may be fined not less than \$100 nor more than \$500 and shall be imprisoned for 6 months. Refusal to accept or failure to receive an order of revocation or suspension mailed by 1st class mail to such person's last-known address shall not be a defense to the charge of driving after revocation or suspension. If such person has changed his or her address and fails to notify the department as required in s. 343.22 then failure to receive notice of revocation or suspension shall not be a defense to the charge of driving after revocation or suspension.

SECTION 770. 345.05 (title) of the statutes is amended to read:

345.05 (title) Municipal liability for motor vehicle accidents.

SECTION 771. 345.05 (1) (b) of the statutes is amended to read:

345.05 (1) (b) "Governing body" means ~~the state legislature with reference to the state,~~ the county board with reference to counties, the town board with reference to towns, the legislative body of a city or village with reference to cities and villages and the board of any district, center or other municipality with reference to other municipalities enumerated in par. (a).

SECTION 772. 345.05 (2) of the statutes is repealed and recreated to read:

345.05 (2) A person suffering any damage proximately resulting from the negligent operation of a motor vehicle owned and operated by a municipality, which damage was occasioned by the operation of the motor vehicle in the course of its business, may file a claim for damages against the municipality concerned and the governing body thereof may allow, compromise, settle and pay the claim. In this subsection, a motor vehicle is deemed owned and operated by a municipality if the vehicle is either being rented or leased, or is being purchased under a contract whereby the municipality will acquire title.

SECTION 773. 345.05 (3) of the statutes is repealed and recreated to read:

345.05 (3) A claim under this section shall be filed in the manner, form and place specified in s. 895.43. The limitations under s. 895.43 (3) are not applicable to a claim under this section.

SECTION 774. 345.05 (4) of the statutes, as affected by chapter 32, laws of 1979, is amended to read:

~~345.05 (4) Failure of the state to pass upon the claim within 90 days after presentation constitutes a disallowance. Disallowance by the state bars any action founded on the claim unless brought within 6 months after disallowance. Actions against the state and payment of the amount recovered shall be as provided in ss. 775.01 and 775.04. For the purposes of~~ In this section, judgments against municipalities shall be certified, filed and collected as provided in s. 66.09 whether named therein or not.

SECTION 775. 346.65 (2) (b) (intro.) and (c) of the statutes are amended to read:

346.65 (2) (b) (intro.) Rehabilitation ordered and substantially complied with ~~pursuant to~~ under s. 343.30 (1q) (a) or a final determination by a court that the person does not need assessment ~~combined with an order to attend based on a report that the person has completed the court-ordered attendance at a school under s. 345.60~~ may:

(c) Rehabilitation ordered and substantially complied with ~~pursuant to~~ under s. 343.30 (1q) (a) or a final determination by a court that the person does not need assessment ~~or an order to attend based on a report that the person has completed the court-ordered attendance at a school under s. 345.60 or any combination thereof~~ may not be in lieu of any part of the imprisonment or fine ordered under par. (a) 3.

SECTION 775e. 346.96 of the statutes is repealed and recreated to read:

346.96 Transportation in automobiles and station wagons. (1) DEFINITIONS. For the purposes of this section:

(a) "School" means the school board or other governing body in the case of a private school.

(b) "Vehicle" means an automobile or station wagon but not a motor vehicle that is designed or constructed as a van.

(2) GENERAL REQUIREMENTS. A vehicle may be used to transport 10 persons or less including the operator for the purposes specified in s. 340.01 (56) (a) 2 and 3 or to transport adults for the purposes specified in s. 340.01 (56) (a) 4 if the requirements in subs. (3) to (6) are met.

(3) INSURANCE. If the vehicle is owned or leased by a school or a school bus contractor, it shall comply with s. 121.53. If the vehicle is not owned or leased by a school or a school bus contractor it shall be insured by a policy providing property damage coverage with a limit of not less than \$5,000 and bodily injury liability coverage with limits of not less than \$15,000 for each person, and, subject to the limit for each person, a total limit of not less than \$40,000 for each accident.

(4) INSPECTION. If the vehicle is owned or leased by a school or a school bus contractor it shall be inspected annually by the department for compliance with s. 110.075 and ch. 347 and any equipment defects shall be corrected.

(5) **OPERATOR REQUIREMENTS.** If the vehicle is owned by a school or a school bus contractor or if the vehicle is operated by a school employe the school shall determine that the operator:

(a) Possesses a valid operator's license.

(b) Is between 18 and 70 years of age.

(c) Has sufficient use of both hands and the foot normally employed to operate the foot brake and foot accelerator. Such use may be substantiated by a medical opinion.

(d) Submits at least once every 3 years to the school a medical opinion in such form as the school may prescribe that the operator is not afflicted with or suffering from any mental or physical disability or disease such as to prevent the operator from exercising reasonable control over a motor vehicle. The examination report prescribed in s. 118.25 (2) and (4) may be used to satisfy this requirement.

(e) Has not been convicted of reckless driving under s. 346.62, operating a motor vehicle while under the influence of an intoxicant or of a controlled substance under s. 346.63 (1), or any of the offenses enumerated under s. 343.31 (1), within a 2-year period. Upon request of the operator or school, the department shall certify whether the operator meets this requirement.

(6) **SEATING REQUIREMENTS.** The vehicle may not transport more persons than can be seated on the permanently mounted seats without interfering with the operator.

SECTION 775m. 346.97 of the statutes is created to read:

346.97 Transportation of handicapped persons. (1) **INSURANCE.** (a) No motor vehicle may be used as provided under s. 340.01 (56) (b) 4 or 5 unless a policy of bodily injury and property damage liability insurance, issued by an insurer authorized to transact business in this state, is maintained thereon. The policy shall provide property damage liability coverage with a limit of not less than \$5,000. The policy also shall provide bodily injury liability coverage with limits of not less than \$75,000 for each person and, subject to such limit for each person, total limits as follows:

1. \$150,000 for each accident for each motor vehicle having a seating capacity of 7 passengers or less.

2. \$200,000 for each accident for each motor vehicle having a seating capacity of 8 to 15 passengers.

3. \$250,000 for each accident for each motor vehicle having a seating capacity of 16 to 24 passengers.

4. \$375,000 for each accident for each motor vehicle having a seating capacity of 25 to 36 passengers.

5. \$500,000 for each accident for each motor vehicle having a seating capacity of 37 to 49 passengers.

6. Not less than \$10,000 for each accident for each passenger seat accommodation for each motor vehicle having a seating capacity of 50 or more passengers.

(b) The department shall not issue registration plates for such a vehicle unless there is on file with the department a certificate of insurance showing that the vehicle is insured in compliance with par. (a). No such policy may be terminated prior to its expiration or canceled for any reason unless a notice thereof is filed with the department at least 30 days prior to the date of termination or cancellation. The department shall revoke the registration of a vehicle on which the insurance policy has been terminated or canceled, effective on the date of termination or cancellation.

(2) **OPERATOR'S REQUIREMENTS.** (a) No person may operate a motor vehicle as provided under s. 340.01 (56) (b) 4 or 5 unless the person has:

1. A valid chauffeur's license or a valid school bus operator's license if the vehicle is transporting only adults; or

2. A valid school bus operator's license if the vehicle is transporting minors or both minors and adults.

(b) Any person violating par. (a) may be required to forfeit not more than \$100.

(3) PROMULGATION OF RULES; INSPECTION. (a) The department shall adopt and enforce such rules as the department deems necessary in the interests of the safety of persons being transported to cover the design, construction, equipment, inspection and operation of vehicles used as provided under s. 340.01 (56) (b) 4 or 5. The safety standards adopted under this subsection shall be similar to the standards applicable to school busses unless a school bus standard is inconsistent with the purposes for which transportation is provided. A motor vehicle used as provided under s. 340.01 (56) (b) 4 or 5 is not required to be equipped with a stop signal arm.

(b) Such vehicles shall be inspected at least annually by the department or a certified law enforcement officer for compliance with the requirements of s. 110.075, ch. 347 and any rules promulgated under this subsection.

(c) When any vehicle is found to be unsafe for operation, traffic officers or motor vehicle inspectors may order it removed from the highway and not operated, except for purposes of removal and repair, until it has been repaired pursuant to a repair order as provided in par. (d).

(d) If any vehicle is not in compliance with the requirements under par. (b) a repair order may be issued, in such form and containing such information as the department prescribes, to the owner or driver of the vehicle. The owner or driver shall thereupon obtain the required repairs.

(e) Any person violating this subsection, or rules promulgated pursuant thereto, may be required to forfeit not less than \$10 nor more than \$200.

(4) LOADING AND UNLOADING HANDICAPPED MINORS. (a) No person who operates a vehicle in the manner provided under s. 340.01 (56) (b) 5 may stop to load or unload passengers who are minors unless the vehicle is entirely off the traveled portion of the roadway in an area where stopping, standing or parking is not prohibited and the minors do not have to cross the roadway in order to be loaded or unloaded.

(b) Any person violating this subsection may be required to forfeit not less than \$10 nor more than \$200.

SECTION 775s. 347.44 (1) (intro.) and (3) of the statutes are amended to read:

347.44 (1) (intro.) All school busses as defined in s. 340.01 (56) (a) 1 to 3 and all school busses which transport minors under s. 340.01 (56) (a) 4 shall be painted as follows:

(3) Motor busses which are used jointly as school busses and in regular urban service, motor vehicles described in s. 340.01 (56) (b) 5, and school busses as defined in which transport only adults under s. 340.01 (56) (a) 4 may, but need not, comply with sub. (1).

SECTION 775z. 348.25 (8) of the statutes is repealed and recreated to read:

348.25 (8) (a) The department or any officer or agency authorized to issue a permit under s. 348.26 or 348.27 may charge a permit issuance fee for each permit issued under s. 348.26 and for the first and each subsequent or revalidated permit issued under s. 348.27. The permit issuance fees shall be:

1. \$10 for each permit issued under s. 348.26 for oversize vehicles and \$25 for each permit issued under s. 348.26 for vehicles which are overweight or vehicles which are both oversize and overweight.

2. \$30 for each permit or revalidation issued under s. 348.27 for oversize vehicles and \$125 for each permit or revalidation issued under s. 348.27 for vehicles which are overweight or vehicles which are both oversize and overweight.

(b) The officer or agency authorized to issue a permit under s. 348.26 may require any applicant for a permit under s. 348.26 to pay the cost of any special investigation undertaken to determine whether a permit should be approved or denied.

~~SECTION 776. 349.105 of the statutes is renumbered 349.105 (1).~~

~~SECTION 776m. 349.105 (2) of the statutes is created to read:~~

~~349.105 (2). The department shall study the expressways and freeways from which bicycles or mopeds are prohibited under sub. (1) and shall determine what modifications may be made to the expressways or freeways to permit the safe use of the expressways and freeways by bicycle and moped operators in a manner which does not interfere with the normal flow of traffic. The department shall develop standards and suggested modifications for the use of the expressways or freeways by bicycle and moped operators and shall distribute the standards and suggestions to the authorities in charge of maintenance of the expressways or freeways.~~

Vetoed
in Part

SECTION 777. 350.12 (3) (d) of the statutes is amended to read:

350.12 (3) (d) Upon receipt of the required fee, payment of sales and use taxes due under s. 77.61 (1) and an application on forms prescribed by it, the department shall issue to the applicant a registration certificate stating the registration number, the name and address of the owner, and ~~such~~ other information as the department deems necessary. The department shall also issue 2 registration stickers or decals per snowmobile owned by an individual owner or put in use by a commercial owner. The stickers or decals shall be no larger than 2 inches in height and 4 inches in width and shall contain reference to the state, the department and the expiration date of the registration.

SECTION 777m. 350.12 (4) (b) (intro.), 1 and 4 of the statutes, as affected by chapter 34, laws of 1979, are amended to read:

350.12 (4) (b) (intro.) From the sum available for a given year, two-thirds shall be appropriated under s. 20.370 (1) (mq) and (4) (bs). The appropriations under s. 20.370 (1) (mq) and (4) (bs) and (bt) shall be used for land acquisition, liability insurance, development and maintenance, the cooperative snowmobile sign program, signing of snowmobile routes, and state snowmobile trails and areas and allocated as follows:

1. State aids and funds for maintenance costs shall be 100% of the actual cost of maintaining the trail per year up to a \$100 ~~\$150~~ per mile per year maximum. Qualifying trails are trails approved by the board as snowmobile trails. State aid for the cost of the purchasing or leasing of land and the acquisition of easements, permits or other agreements may equal 100% of acquisition expense. Development shall begin the same year the land is acquired. Moneys available for development shall be distributed on a 100% grant basis, 75% at the time of approval but no later than July 1 and 25% upon completion of the project. A county application may include a request for purchasing or leasing land or acquiring easements, permits or other agreements for the use of land, and for aids for development or maintenance of trails. Trail routes, sizes and specifications shall be prescribed only by the board.

4. For the acquisition and for the maintenance and development of snowmobile trails and areas on state lands, 100% of the actual cost for land acquisition and development and 100% of the actual cost of maintaining the trail per year up to \$100 ~~\$150~~ per mile per year maximum. Qualifying trails are those approved by the board. Trail routes, sizes and specifications shall be prescribed only by the board.

SECTION 778. 350.12 (7) of the statutes is created to read:

350.12 (7) SALES AND USE TAXES. The department shall collect sales and use taxes due under s. 77.61 (1) on any snowmobile registered under this section. The department shall use collection and accounting methods approved by the department of revenue.

SECTION 778m. 425.106 (1) (d) of the statutes is created to read:

425.106 (1) (d) Earnings or other assets of the customer which are required to be paid by the customer as restitution under s. 973.09.

SECTION 779. 440.03 (2) of the statutes, as affected by chapter 34, laws of 1979, is repealed.

SECTION 779g. 440.41 (3) (c) of the statutes is amended to read:

440.41 (3) (c) Any charitable organization which does not intend to solicit and receive and does not actually receive contributions in excess of \$500 ~~\$3,000~~ during any 12-month period ending December 31 of any year, provided all of its fund raising functions are carried on by persons who are unpaid for such services. However, if the gross contributions received by such charitable organization during any 12-month period ending December 31 of any year is in excess of \$500 ~~\$3,000~~, it shall, within 30 days after the date it has received total contributions in excess of \$500 ~~\$3,000~~, register with the department under sub. (2). Fraternal, civic, benevolent, patriotic and social organizations which solicit contributions solely from their membership shall not be required to register with the department.

SECTION 779r. 440.41 (3) (f) of the statutes is created to read:

440.41 (3) (f) Any state agency, city, village or town.

SECTION 780. 443.01 (4) of the statutes is repealed.

SECTION 780g. Chapter 444 (title) of the statutes is amended to read:

CHAPTER 444

~~ATHLETIC EXAMINING BOARD~~

REGULATION OF BOXING

SECTION 780r. 444.01 of the statutes is repealed.

SECTION 782. 448.05 (1) (d) of the statutes is amended to read:

448.05 (1) (d) Be found qualified by three-fourths of the members of the board, except that an applicant for a temporary license under s. 448.04 (1) (b) 1 and 3, (d) and (e) must be found qualified by 2 ~~officers~~ members of the board.

SECTION 782m. 450.02 (6) of the statutes is amended to read:

450.02 (6) The examining board may register as a pharmacist, without examination, any person who is duly registered in some other state, if the person produces satisfactory evidence of having had the required secondary and professional education and training and is possessed of good character and habits demanded of applicants for registration as pharmacists under the laws of this state, and upon payment of the fee specified in s. 440.05 (2), but persons of good character and habits, who became registered pharmacists in some other state prior to July 31, 1927, shall be required to meet only the requirements which existed in this state at the time they became registered in such other state, and if the state from which the applicant applies, under like conditions, grants reciprocal registration as a pharmacist without examination to pharmacists duly registered in this state. The examining board may require an applicant under this subsection to pass an equivalency examination administered by the examining board. If the examining board requires an equivalency test any person registered as a pharmacist in another state who is engaged in the active practice of pharmacy, as defined by the examining board, may only be required to pass a test on state and federal laws, rules and regulations.

SECTION 783m. 450.14 of the statutes is created to read:

450.14 Rule making. The examining board shall adopt a rule defining the practice of pharmacy and defining the active practice of pharmacy. The rules apply to all registrants and applicants for registration under s. 450.02.

SECTION 784. 452.08 (5) (a) and (c) of the statutes are amended to read:

452.08 (5) (a) Renewal applications for all licenses shall be submitted with the required fee on or before ~~August~~ December 31 of the even-numbered years following licensure.

(c) Every licensee shall submit proof to the examining board of attendance at a minimum of 10 classroom hours of approved training sessions every 2 years. The 2-year period shall be measured as of ~~August~~ December 31 of each year. A licensee who is also licensed to practice law in this state shall be granted credit for attendance at continuing legal education programs which the examining board determines to be related to real estate matters. If upon application for renewal the licensee has not submitted proof of having met this requirement in the preceding 2 years, the examining board may withhold issuance of the renewal license until such proof is submitted.

SECTION 784m. 457.04 (1) (d) of the statutes is created to read:

457.04 (1) (d) A shop manager's license.

SECTION 785. 499.01 (9) to (12) of the statutes are renumbered 499.01 (10) to (13).

SECTION 786. 499.01 (9) of the statutes is created to read:

499.01 (9) "Related facilities" means:

(a) Facilities the primary use of which is to convert solid waste or fuel derived from solid waste into steam or into alternate fuels including alcohol fuel but not including oil, natural gas or products derived from oil or natural gas.

(b) Facilities which provide support and backup functions related to solid waste recycling facilities and facilities described under par. (a).

SECTION 788f. 499.04 of the statutes is created to read:

499.04 Low technology recycling. (1) *The authority shall provide assistance to individuals, groups, firms, industries and communities throughout the state to reuse and recycle solid waste through source separation, source reduction and other low technology approaches. This assistance may include, without limitation:*

(a) *Identifying and stimulating markets for reusable or recycled solid waste;*

(b) *Providing technical assistance to low technology recycling projects; and*

(c) *Assisting low technology recycling projects to obtain favorable markets.*

(2) *The authority may award grants to assist low technology recycling projects.*

Partial
Veto
Overruled

SECTION 788h. 499.07 (14) (intro.) and (b) of the statutes are amended to read:

499.07 (14) (intro.) To meet the cost of acquiring, constructing, improving or extending solid waste recycling facilities and related facilities;

(b) From the proceeds of the sale of notes and ~~revenue bonds, payable solely from the revenues to be derived from the operation of such solid waste recycling facilities~~ authorized under s. 499.25;

SECTION 788j. 499.085 of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

499.085 Transitional cooperation. The authority shall assist municipalities in solid waste management planning upon the transition from municipal management of solid waste to recycling in regions established under s. 499.10 in order that the transition is accomplished without undue expense and dislocation of existing and proposed systems. The department of natural resources shall coordinate regulatory activities with the authority during the transfer of responsibility for solid waste disposal from those having existing responsibility to the authority. The authority shall ~~also~~ provide assistance to the department of local affairs and development ~~and the department of natural resources in carrying out their~~ its statutory responsibility under s. 144.437.

Partial
Veto
Overruled

Partial
Veto
Overruled

SECTION 788k. 499.10 of the statutes, as affected by chapter 34, laws of 1979, is repealed and recreated to read:

499.10 Study areas; regions. (1) **STUDY AREAS.** *Study areas shall be established to facilitate the administration of this chapter. The first 3 study areas have generally the following boundaries:*

- (a) *Fond du Lac, Outagamie and Winnebago counties;*
- (b) *Lincoln, Marathon, Portage and Wood counties; and*
- (c) *Milwaukee, Ozaukee, Washington and Waukesha counties.*

(2) **ADDITIONAL STUDY AREAS.** *In accordance with subs. (3) to (5), the authority may establish by resolution additional study areas within any county or combination of contiguous counties:*

(a) *Whose board or boards of supervisors adopt and submit to the authority a resolution requesting it to examine the feasibility of recycling the solid waste generated in the county or counties and pledging cooperation and assistance in preparing the preliminary feasibility report for such a project; or*

(b) *Which the authority determines may have potential for the development of recycling.*

(3) **PRELIMINARY FEASIBILITY REPORT.** *Prior to the adoption of a resolution establishing a study area under sub. (2):*

(a) *The authority shall prepare a preliminary feasibility report describing the proposed study area, the anticipated sources, types and volumes of solid wastes to be recycled and the potential markets for products or materials derived from those wastes.*

(b) *The authority shall mail copies of the preliminary feasibility report:*

1. *To the department of natural resources;*
2. *To each county or regional planning commission having territory within the proposed study area;*
3. *To the clerk of each municipality within the proposed study area;*
4. *To at least one municipal public library within the proposed study area; and*
5. *Upon request, to any other municipal library within the proposed study area.*

(c) *The authority shall publish a class 2 notice under ch. 985 in a newspaper or newspapers having general circulation within the proposed study area, briefly summarizing the preliminary feasibility report, listing the locations where it is available for public inspection and setting forth the time and place of any hearing scheduled under sub. (4).*

(4) **HEARING TO ESTABLISH STUDY AREA.** *Prior to the adoption of a resolution establishing a study area under sub. (2), the authority shall conduct a hearing in the proposed study area. The authority shall conduct the hearing under s. 227.022 as if it were a state agency and as if the proposed resolution were a proposed rule.*

(5) **LEGISLATIVE COMMITTEE REVIEW.** *Prior to the adoption of a resolution establishing a study area under sub. (2), the authority shall obtain legislative committee review as follows:*

(a) *Notification of standing committees. The authority shall notify the presiding officer of each house of the legislature when a proposed resolution is in final draft form by submitting a notice containing copies of the proposed resolution and the related preliminary feasibility report to the officer. Each presiding officer shall refer the proposed resolution to an appropriate standing committee. The authority may withdraw the proposed resolution by notifying the presiding officer in each house of its intent not to adopt it.*

(b) *Standing committee review.* 1. *'Standing committee meeting.'* A committee may be convened upon the call of its chairperson or a majority of its members to review a proposed resolution. A committee may meet separately or jointly with the other committee to which the notice is referred and may direct the authority to attend the meeting. A committee may hold public hearings to review the proposed resolution.

2. *'Standing committee review period.'* The standing committee review period extends for 30 days after the notice is submitted and if within the 30-day period a standing committee directs the authority to meet with it to review the proposed resolution, the standing committee review period is continued for 30 days from the date of that request.

3. *'Authority not to adopt resolution pending standing committee review.'* The authority may not adopt the proposed resolution during the standing committee review period unless both committees waive their authority to object prior to the expiration of that period.

4. *'Standing committee action.'* Either standing committee may object to the proposed resolution or part of the proposed resolution by taking action in executive session to object to the resolution during the standing committee review period. The authority may adopt the proposed resolution or part of a proposed resolution if neither committee objects to the resolution or that part of the resolution.

(c) *Joint committee for the review of administrative rules.* 1. *'Referral.'* If either standing committee objects to a proposed resolution or part of a proposed resolution, the committee shall refer the resolution or part to which an objection is made to the joint committee for the review of administrative rules.

2. *'Joint committee review period.'* The joint committee review period extends for 30 days after the proposed resolution is referred to it. The joint committee shall meet and take action in executive session during that period.

3. *'Authority not to adopt resolution pending joint committee review.'* The authority may not adopt the proposed resolution or part thereof which is objected to by a standing committee unless the proposed resolution is approved by the joint committee for the review of administrative rules or until the bill in subd. 5 fails enactment. The authority may adopt any portion of the proposed resolution to which no objection is made by either standing committee.

4. *'Joint committee action.'* The joint committee for the review of administrative rules may nonconcur in an objection by a standing committee by taking action to this effect within the joint committee review period. If the joint committee objects to a proposed resolution, the authority may not adopt the proposed resolution until the bill introduced under subd. 5 fails enactment.

5. *'Bill introduction.'* When the joint committee for the review of administrative rules objects to a proposed resolution or part of a proposed resolution, the joint committee shall as soon as possible place before the legislature a bill to support the disapproval. If this bill is defeated or fails of enactment in any other manner, the authority may adopt the proposed resolution or part of the proposed resolution. If the bill becomes law, the authority may not adopt the proposed resolution or part of the proposed resolution unless a properly enacted law specifically authorizes that action.

(6) **ADVISORY COUNCILS.** (a) *Initial appointment.* The authority shall appoint an advisory council for each study area established under sub. (1) within 30 days after the effective date of this act (1979). The authority shall appoint an advisory council for each study area established under sub. (2) within 30 days after the authority adopts the resolution establishing the area.

Partial
Veto
Overruled

Partial
Veto
Overruled

(b) *Membership.* Each advisory council shall include representatives of those town, village or city and county governments engaged in solid waste management within the study area. The advisory council may also include representatives of business and public interest groups and private citizens residing in the proposed study area.

(c) *Powers.* Each advisory council shall elect its own chair at an organizational meeting called by the authority. Thereafter each advisory council shall meet at the call of its chair, determine its own business and rules of procedure and by majority vote fill vacancies caused by the death or resignation of any of its members. Each advisory council may advise the authority on any matter relating to the planning, establishment or conduct of recycling operations within the study area and cooperate with the authority in locating potential markets for recycled materials.

(d) *Authority to inform councils.* The authority shall keep each advisory council informed of the progress of the development of recycling in the study area and provide clerical assistance to each council in preparing and distributing its meeting notices, minutes and recommendations. Section 15.09 does not apply to councils created under this subsection.

(7) **BOND AUTHORIZATION REQUEST.** At any time after the establishment of a study area under sub. (1) or (2), the authority may submit to the joint survey committee on debt management a request for authorization to issue bonds for accomplishment of its corporate purposes in any region which may be designated substantially within the study area. As part of the request, the authority shall report on the status of any unused authorized bonding in other regions or study areas and shall recommend whether this authorization should be repealed or not and the reasons for that recommendation. Upon enactment of statutory bonding authorization for a study area, the authority may enter into contractual obligations for the accomplishment of its corporate purposes within the study area.

(8) **IMPLEMENTATION PLAN FOR REGIONS.** (a) For every study area established under sub. (1) or (2), the authority, in consultation with the study area advisory council, shall prepare a detailed implementation plan indicating the boundaries of the proposed recycling region, the location of proposed facilities and financial projections on the operations of the authority within the proposed region including capital expenditures, transportation arrangements, anticipated rates, charges and rentals and revenues from sales of recycled waste material.

(b) The authority shall mail copies of the proposed implementation plan:

1. To the department of natural resources;
2. To each county or regional planning commission having territory within the proposed study area;
3. To the clerk of each municipality within the proposed study area;
4. To at least one municipal public library; and
5. Upon request, to any other municipal library within the proposed study area.

(c) The authority shall publish a class 2 notice under ch. 985 in a newspaper or newspapers having general circulation within the proposed region, listing the locations where it is available for public inspection and setting forth the time and place of any hearing under sub. (9).

(9) **HEARING TO DESIGNATE REGION.** Prior to the adoption of a resolution designating a region, the authority shall conduct a hearing in the proposed region. The authority shall conduct the hearing under s. 227.022 as if it were a state agency and as if the proposed resolution were a proposed rule.

(10) DESIGNATION OF REGION. *Within 60 days after the public hearing under sub. (9), the authority may adopt a resolution designating a region. Each region shall be substantially within a study area for which bonding authorization has been enacted. The authority shall consider the following criteria in establishing a region:*

- (a) *Economic benefit to the authority and municipalities within the region;*
- (b) *Adequacy of available markets for the materials or energy derived from recycled waste;*
- (c) *Enhancement of the protection of air, land and water resources of the state;*
- (d) *Projected revenues sufficient to pay principal and interest on authority bonds and estimated operating expenses attributable to the region; and*
- (e) *Inclusion of maximum contiguous area within the region as is consistent with the economies of transporting solid waste.*

Partial
Veto
Overruled

SECTION 788m. 499.11 (2) of the statutes is repealed and recreated to read:

499.11 (2) DETERMINATION OF RATES, CHARGES AND FEES. *The authority shall estimate the cost of operating the region, including the cost of retiring the debt applicable to the region. The difference between these costs and the revenue to be derived from the operations of the authority in the region is the basis for determining the rates, charges and rentals for the authority's services in the region. These rates, charges and rentals and any amendments to them are subject to approval by the public service commission after notice and opportunity for public hearing before the commission.*

SECTION 788n. 499.15 (4) of the statutes is created to read:

499.15 (4) ANNUAL REPORT OF FORMS USED. *The authority, annually on January 15, shall file with the department of administration and the legislative council a complete and current listing of all forms, reports and papers required by the authority to be completed by any person, other than a governmental body, as a condition of obtaining the approval of the authority or for any other reason. The authority shall attach a blank copy of each such form, report or paper to the listing.*

SECTION 788p. 499.19 of the statutes is amended to read:

499.19 Construction contracts. Any contract for construction valued at over \$25,000 shall be let by the authority pursuant to the under a process of open or competitive bidding, ~~provided~~ but the authority may determine the format, contents and scope of any contract for construction of facilities of the authority, the conditions under which bidding shall take place and the schedule and stipulations for a contract award. The authority may select the contractor deemed to have submitted the lowest qualified bid, price and other factors considered, when, in the judgment of the authority, ~~such~~ the award is in the best interests of the state. The authority may negotiate and enter into contracts with a single source for any of the professional services specified in s. 499.07 (27) and required by or attendant to the development of facilities of the authority.

Partial
Veto
Overruled

SECTION 788r. 499.20 (1) of the statutes is repealed and recreated to read:

499.20 (1) *The authority may purchase, on a negotiated or competitive bid basis, heavy solid waste processing equipment to be installed in facilities of the authority, or it may require the purchase and installation as part of a construction contract. The authority shall conduct its contracting and purchasing operations in accordance with its regularly adopted and promulgated procurement policies and specific rules and procedures on purchasing and contracting approved by a two-thirds vote of its members.*

Partial
Veto
Overruled

SECTION 788t. 499.20 (2) of the statutes is amended to read:

499.20 (2) The authority may enter into long-term contracts with private persons for the performance of ~~any such~~ the functions of the authority which, in the opinion of the authority, can desirably and conveniently be carried out by a private person under contract ~~provided any such~~ if the contract shall contain such contains terms and conditions as

Partial
Veto
Overruled

CHAPTER 221

1240

Partial Veto Overruled will which enable the authority to retain overall supervision and control of the business, design, operating, management, transportation, marketing, planning and research and development functions to be carried out or to be performed by such ~~the~~ private persons pursuant to such under the contract. Such ~~These~~ contracts may be entered into either on a negotiated or an open bid competitive bid basis, and the authority in its discretion may select the type of contract it deems most prudent to utilize, considering the scope of work, the management complexities associated therewith, the extent of current and future technological development requirements and the best interests of the state.

SECTION 788v. 499.25 (1) of the statutes is amended to read:

499.25 (1) ~~The Subject to the limitations under s. 499.34, the authority may issue its negotiable notes and bonds in such a principal amount, as, in the opinion of the authority, is it deems necessary to provide sufficient funds for:~~

(a) For achieving its corporate purposes, including the planning, engineering and design and the purchase, acquisition, development enlargement and improvement of solid waste recycling facilities and related facilities, as provided in this chapter; ~~for~~

(b) For the payment of interest on notes and bonds of the authority during construction; for the establishment of reserves to secure ~~such these~~ notes and bonds; and ~~for~~

(c) For all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers.

SECTION 788w. 499.34 of the statutes is repealed and recreated to read:

Partial Veto Overruled **499.34 Limit on amount and purpose of outstanding bonds and notes.** (1) The authority may issue notes or bonds for the accomplishment of any of its corporate purposes within a region established under s. 499.10 (10) as provided in this section.

(2) The authority shall consult with and coordinate the issuance of bonds with the state building commission prior to the issuance of any bonds.

Partial Veto Overruled (3) A note or bond is issued for the accomplishment of a corporate purpose of the authority in a region established under s. 499.10 (10) if the funds provided by the issuance of the note or bond are utilized to accomplish a corporate purpose of the authority in that region.

(4) The authority may issue notes or bonds to refund outstanding notes and bonds only if the aggregate principal amount of all outstanding notes and bonds at any one time does not exceed the dollar limits established under sub. (5) for a particular region.

(5) (a) The authority shall not have outstanding at any one time notes and bonds for the accomplishment of any of its corporate purposes in a region substantially within the study area established under s. 499.10 (1) (a) in an aggregate principal amount exceeding \$75,000,000.

(b) The authority shall not have outstanding at any one time notes and bonds for the accomplishment of any of its corporate purposes in a region substantially within the study area established under s. 499.10 (1) (b) in an aggregate principal amount exceeding \$25,000,000.

SECTION 790. 601.20 (2) and (3) of the statutes, as affected by chapter 102, laws of 1979, are repealed.

SECTION 791. 601.46 (3) (c) and (d) of the statutes are repealed.

SECTION 792. 601.46 (3) (e) of the statutes is renumbered 601.46 (3) (c).

SECTION 793. 601.46 (3) (f) of the statutes is repealed.

SECTION 794. 601.46 (3) (g) to (i) of the statutes are renumbered 601.46 (3) (d) to (f).

SECTION 795. 601.46 (3) (j) and (k) of the statutes are repealed.

SECTION 796. 601.46 (3) (m) to (q) of the statutes, as affected by chapter 89, laws of 1979, are renumbered 601.46 (3) (g) to (j).

SECTION 796c. 601.93 (5) (a) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

601.93 (5) (a) On or before May 1 in each year, the commissioner shall compile the fire department dues paid by all insurers under sub. (2) and the dues paid by the state fire fund under sub. (3) and funds remaining under par. (b), withhold .5% and certify the proper amount to be paid to each city, village or town entitled to fire department dues under s. 601.95 to the department of administration. After the department of administration audits the commissioner's compilation and certification and certifies the compilation and certification to the state treasurer, the state treasurer shall pay the amounts certified by the commissioner and the department of administration to the cities, villages and towns eligible under s. 601.95 on or before August 1 in each year.

SECTION 796g. 601.93 (5) (b) of the statutes, as created by chapter 34, laws of 1979, is repealed and recreated to read: *

601.93 (5) (b) The amount withheld under par. (a) shall be disbursed to correct errors of the department of industry, labor and human relations or the commissioner or for payments to cities, villages or towns which are first determined to be eligible for payments under par. (a) after May 1. The commissioner shall certify to the state treasurer, as near as is practical, the amount which would have been payable to the municipality if payment had been properly disbursed under par. (a) on or prior to May 1, except the amount payable to any municipality first eligible after May 1 shall be reduced by 1.5% for each month or portion of a month which expires after May 1 and prior to the eligibility determination. The state treasurer shall pay the amount certified to the city, village or town. The balance of the amount withheld in a calendar year under par. (a) which is not disbursed under this paragraph shall be included in the total compiled by the commissioner under par. (a) for the next calendar year.

SECTION 796m. 601.95 (1) and (4) of the statutes, as affected by chapter 34, laws of 1979, are amended to read:

601.95 (1) (a) Every city, village or town maintaining a fire department which complies with sub. (3) is entitled to a proportionate share of all fire department dues collected under s. 601.93, based on the equalized valuation of real property improvements upon land within the city, village or town, but not less than the amount the municipality received under s. 601.93 (3), 1977 stats., and chapter 26, laws of 1979, in calendar year 1979.

(b) Every city, village or town which ~~furnishes contracts for fire protection under contract to and fire prevention services which comply with s. 101.14 (2) from another city, village or town for fire protection~~ is entitled to the dues specified in par. (a) ~~for the city, village or town to which fire protection is provided,~~ if a certified copy of the contract, ordinances or resolutions constituting the agreement is filed with the commissioner, together with a certificate of the department of industry, labor and human relations that the fire department furnishing the protection has sufficient equipment to and can provide the agreed protection without endangering property within its own limits and the fire prevention services comply with s. 101.14 (2). All such contracts, ordinances or resolutions shall describe the territory protected by township or section lines.

(c) Any city, village or town, not maintaining a fire department, which purchases not less than the minimum fire fighting equipment required for eligibility under sub. (3), and which for the purpose of obtaining fire protection and prevention services for itself enters into an agreement with another city, village or town for the fire department of the other city, village or town to house and operate the equipment, ~~shall be~~ is entitled to the dues

specified in par. (a) if a certified copy of the contract constituting the agreement, containing a complete description of the fire fighting equipment purchased by the municipality receiving protection, and a description by township or section lines of the territory protected, is filed with the commissioner, together with a certificate of the department of industry, labor and human relations that the equipment meets the requirements of sub. (3) and the fire prevention services comply with s. 101.14 (2). Two or more municipalities which together have purchased not less than the minimum fire fighting equipment required for eligibility under sub. (3) and have entered into a fire protection agreement in the manner prescribed in this paragraph shall each be entitled to the dues under par. (a).

(4) No city, village or town may be paid any fire department dues for any year unless the department of industry, labor and human relations certifies to the commissioner that the city, village or town complies with s. 101.14 (2), including the performance of inspections as required by s. 101.14 (2). If dues which would have been paid into any fire fighter's pension fund or other special funds for the benefit of disabled or superannuated fire fighters are withheld under this subsection, an amount equal to the fire department dues withheld shall be paid into the pension fund from any available fund of the city, village or town, and if no fund is available, an amount equal to the amount withheld shall be included in and paid out of the next taxes levied and collected for the city, village or town.

SECTION 796r. 601.95 (6) of the statutes is created to read:

601.95 (6) Dues received under s. 601.93 and this section shall be used by the city, village or town only for fire inspection, prevention or protection, or to fund wholly or partially fire fighters' pension funds or other special funds for the benefit of disabled or superannuated fire fighters.

SECTION 797. 604.02 (1) (a) of the statutes is amended to read:

604.02 (1) (a) The "state local government property insurance fund" or "property fund", previously known as the "state insurance fund" or the "state property insurance fund".

SECTION 798. Chapter 605 (title) of the statutes is amended to read:

CHAPTER 605

STATE LOCAL GOVERNMENT PROPERTY INSURANCE FUND

SECTION 799. 605.01 of the statutes is amended to read:

605.01 Definitions. In this chapter, unless the context requires otherwise, "local:"

(1) "Local governmental unit" means any city, county, town or village board or common council, school or library board, or board of control of a cooperative educational service agency.

(2) "Property fund" means the local government property insurance fund.

SECTION 800. 605.02 (1) and (2) (title) of the statutes are repealed.

SECTION 801. 605.02 (2) of the statutes is renumbered 605.02.

SECTION 802. 605.09 (1) and (2) (title) of the statutes are repealed.

SECTION 803. 605.09 (2) of the statutes is renumbered 605.09.

SECTION 804. 605.21 (1), as affected by chapter 102, laws of 1979, and (2) (title) of the statutes are repealed.

SECTION 805. 605.21 (2) (a) to (d) of the statutes are renumbered 605.21 (1) to (4), and 605.21 (1) and (4), as renumbered, are amended to read:

605.21 (1) PLACING INSURANCE. The property fund shall insure property described in s. 605.02 ~~(2)~~ after receipt from the clerk of the local governmental unit of a certified copy of the resolution authorizing insurance in the property fund. The clerk shall report

to the manager each policy then in force upon such property, stating the property covered by the policy and the dates of issue and of expiration, the amounts and rates of insurance and the premiums. Property already insured shall become insured by the property fund as existing policies expire or are canceled. Thereafter the insurance on all property described in s. 605.02 (2) shall be provided just as for state property, except that the premium. Premiums shall be certified by the manager to the clerk of the appropriate unit.

(4) INSURANCE OF PERSONAL PROPERTY. All personal property of the local governing unit is insured and premiums therefor must be paid under this subsection section except to the extent that coverage is excluded by resolution under s. 605.02 (2).

SECTION 806. 605.23 (1) of the statutes, as affected by chapter 102, laws of 1979, is repealed.

SECTION 807. 605.23 (2), (3), as affected by chapter 102, laws of 1979, and (4) of the statutes are renumbered 605.23 (1) to (3), and 605.23 (1) (title) and (2), as renumbered, are amended to read:

605.23 (1) (title) PAYMENT FOR LOSSES.

(2) APPRAISAL IN CASE OF DISAGREEMENT. If there is disagreement between the manager and the local governmental unit ~~or person in charge of state property~~ as to the amount of the loss or damage to property covered by the property fund, the amount shall be determined by appraisal, upon the demand of the local governmental unit ~~or person having charge of state property~~. The manager and the claimant shall each select a competent and disinterested appraiser and notify the other of the selection within 20 days of the demand. If either party fails to select an appraiser within the allotted time, the other party may request a court of record to appoint an appraiser. The appraisers shall first select a competent and disinterested umpire. If they do not agree on one within 15 days, then either party may request a judge of a court of record in the county in which the property is located to select a competent and disinterested umpire and the judge shall do so promptly. The appraisers shall then appraise the loss and damage, stating separately the actual cash value or other applicable basis of valuation and the loss or damage to each item. If they fail to agree they shall submit their differences to the umpire. An itemized award in writing of any 2 of the 3 when filed with the manager shall determine the amount of the insured value and of loss or damage. Each appraiser shall be paid by the party selecting that appraiser and other expenses of appraisal and of the umpire shall be paid by the parties equally.

SECTION 808. 610.46 (3) of the statutes is amended to read:

610.46 (3) EXTENSION OF ADJUSTMENT PERIOD. If timely adjustment to the requirements of ch. 613 would cause a previously authorized plan hardship, disproportionate expense or serious inconvenience, the commissioner may, upon the plan's request, grant an additional delay for compliance with specified requirements if the interests of insureds and of the public are not endangered. In addition, if the commissioner is satisfied that a previously authorized unincorporated plan has not incorporated because it has been unable, despite its good faith and timely efforts, to obtain for the corporation into which it would incorporate the exemption from federal income tax under section 501 of the federal internal revenue code of 1954, as amended, that the plan then has, the commissioner shall, upon the plan's request, grant an additional delay for the plan to incorporate under ch. 613. ~~If the delay granted is for more than 2 years beyond the effective dates otherwise applicable, the commissioner shall include in each annual report under s. 601.46 (3), until the requirements are fully effective, a detailed statement of the delay granted and the reasons therefor.~~

~~SECTION 808m. 620.23 (6) of the statutes is created to read:~~

~~620.23 (6) INVESTMENT OF EXCESS ASSETS IN ALTERNATIVE ENERGY. In this subsection, "assets" means any assets over \$1,000,000,000 which exceed the assets necessary to satisfy the requirements of s. 620.21 (1). An insurer may invest up to 5% of its assets in~~

Vetoed
in Part

Vetoed in Part property and facilities for the development and production of solar, geothermal, wind and hydro energy, ethanol and fossil and synthetic fuel. The investment may include, but is not limited to, engaging in the business of managing and operating such property and facilities. Every insurer making any investment under this subsection shall submit annually to the commissioner a detailed description of the nature of the investment and the amount invested.

SECTION 809. 625.35 of the statutes is repealed.

SECTION 810. 627.05 (intro.) of the statutes is amended to read:

627.05 Classifications of insurance. (intro.) The commissioner, ~~after consultation with the classifications advisory council created under s. 601.20 (2),~~ may by rule define and delimit lines and classes of insurance for any purposes within the commissioner's regulatory power, including:

SECTION 811. 627.06 of the statutes is amended to read:

627.06 Combinations of policies. Subject to any other provisions in this chapter, the commissioner, ~~after consultation with the classifications advisory council created under s. 601.20 (2),~~ may by rule establish standards for the combination of different kinds of coverages in policies and may specify whether premiums must be separately stated for each.

SECTION 812. 631.23 (3) of the statutes is repealed.

SECTION 812r. 632.32 (7) of the statutes is created to read:

Vetoed in Part 632.32 (7) **RIDE-SHARING.** No insurer may increase the premium charged for a motor vehicle insurance policy delivered or issued in this state based on the fact that a motor vehicle covered by the policy is used for ride-sharing ~~as defined in s. 85.075 (1).~~ The commissioner shall enforce this subsection under ss. 601.41 and 601.64.

SECTION 812rm. 632.32 (7) of the statutes is repealed.

SECTION 813. 632.75 (3) of the statutes is created to read:

632.75 (3) PROHIBITION OF EXCLUSION FROM COVERAGE OF CERTAIN DEPENDENT CHILDREN. No disability insurance policy issued or renewed on or after the effective date of this act (1979) may exclude or terminate from coverage any dependent child of an insured person or group member solely because the child does not reside with the insured person or group member.

SECTION 814. 632.78 (4) (a) of the statutes, as created by chapter 75, laws of 1979, is amended to read:

632.78 (4) (a) Except as provided in par. (b), every disability insurance policy filed after ~~the effective date of this act (1979)~~ November 29, 1979, which provides coverage for hospital care shall provide coverage for at least 30 days for skilled nursing care to patients who enter a licensed skilled nursing care facility within 24 hours after discharge from a general hospital. The daily rate payable under this subsection shall not exceed the maximum daily rate established for licensed skilled nursing care facilities by the department of health and social services. The coverage under this subsection shall apply only to skilled nursing care which is certified as medically necessary by the attending physician and is recertified as medically necessary every 7 days. The coverage under this subsection shall apply only to the continued treatment for the same medical or surgical condition for which the insured had been treated at the hospital prior to entry into the skilled nursing care facility. The coverage under this subsection shall not apply to care which is essentially domiciliary or custodial, or to care which is available to the insured without charge or under a governmental health care program, other than a program provided under s. 49.46 or 49.47.

SECTION 815. 632.79 (2) (b) of the statutes, as affected by chapter 32, laws of 1979, is amended to read:

632.79 (2) (b) For purpose of notice and distribution to covered employes and members under par. (a) ~~and notice to the commissioner of insurance under sub. (3)~~, the administrator responsible for determining the persons covered and the premiums payable to the insurer or organization under any group policy or plan of disability insurance is responsible for providing such notices.

SECTION 816. 632.79 (3) of the statutes is repealed.

SECTION 817. 632.79 (4) of the statutes is renumbered 632.79 (3) and amended to read:

632.79 (3) LIABILITY OF INSURER OR SERVICE ORGANIZATION FOR PAYMENT OF CLAIMS. Under any group policy or plan subject to this section, the insurer or organization shall be liable for all valid claims for covered losses prior to the expiration of any grace period specified in the group policy or plan ~~or prior to the 15th day following receipt by the commissioner of insurance of the notice required under sub. (3), whichever is later.~~

SECTION 818. 632.79 (5) of the statutes is repealed.

SECTION 819. 632.79 (6) of the statutes is renumbered 632.79 (5).

SECTION 819e. 632.89 (2) (b) of the statutes is renumbered 632.89 (2) (b) 1.

SECTION 819m. 632.89 (2) (b) 2 of the statutes is created to read:

632.89 (2) (b) 2. On or after January 1, 1981, no contract issued or renewed by an insurer may limit insurance coverage of any service provided by a state or county owned or operated inpatient health care facility, as defined in s. 140.85 (1), unless the contract similarly limits coverage of the service if provided by any other inpatient health care facility.

SECTION 819s. 632.89 (2m) of the statutes is created to read:

632.89 (2m) LIABILITY TO THE STATE OR COUNTY. For any insurance policy issued on or after January 1, 1981, any insurer providing hospital treatment coverage is liable to the state or county for any costs incurred for services a state or county owned or operated inpatient health care facility, as defined in s. 140.85 (1), provides to a patient regardless of the patient's liability for the services, to the extent that the insurer is liable to the patient for services provided at any other inpatient health care facility.

SECTION 820. 645.09 (1) (intro.) and (2) of the statutes, as affected by chapter 102, laws of 1979, are amended to read:

645.09 (1) (intro.) GENERAL REPORT OF PROCEEDINGS. The commissioner ~~shall~~ may include in his or her annual report:

(2) SPECIAL REPORTS. (a) *Causes of delinquency*. The commissioner ~~shall~~ may include in his or her annual report, not later than the 2nd annual report following the initiation of any formal proceedings under this chapter, a detailed analysis of the basic causes and the contributing factors making the initiation of formal proceedings necessary, and ~~shall~~ may make recommendations for remedial legislation. For this purpose the commissioner may appoint a special assistant qualified in insurance, finance and accounting to conduct the study and prepare the analysis, and may determine ~~his or her~~ the special assistant's compensation, which shall be paid from the appropriation under s. 20.145 (1) (g).

(b) *Final study*. The commissioner ~~shall~~ may include in his or her annual report, not later than the 2nd annual report following discharge of the receiver, a detailed study of the delinquency proceeding for each insurer subjected to a formal proceeding, with an analysis of the problems faced and their solutions. The commissioner ~~shall~~ may also suggest alternative solutions, as well as other material of interest, for the purpose of assisting and guiding liquidators or rehabilitators in the future. For this purpose the commissioner may appoint a special assistant qualified to conduct the study and prepare the

analysis, and may determine his or her compensation, which shall be paid from the appropriation under s. 20.145 (1) (g).

SECTION 820c. 646.11 (1) of the statutes, as affected by chapter 109, laws of 1979, is amended to read:

646.11 (1) ORGANIZATION. There is created a fund to be known as the "insurance security fund". All insurers subject to this chapter are contributors to the fund as a result of their authority to transact business in this state. The fund shall consist of all payments made by insurers under s. 646.51, ~~of all transfers made under s. 646.71 (2)~~, of the earnings resulting from investments under s. 646.21 (2) and of the amounts recovered under s. 645.72 (2).

SECTION 820e. 646.11 (2) (a) of the statutes, as affected by chapter 109, laws of 1979, is renumbered 646.11 (2).

SECTION 820m. 646.11 (2) (b) of the statutes, as affected by chapter 109, laws of 1979, is repealed.

SECTION 820s. 646.71 of the statutes, as affected by chapter 109, laws of 1979, is repealed.

SECTION 820t. 706.05 (12) of the statutes is created to read:

706.05 (12) Every conveyance of any interest in real property offered for recordation shall be accompanied by a statement setting forth whether the real property includes a rental unit, as defined in s. 101.122 (1) (e). If the property includes a rental unit, the documents of conveyance offered for recordation shall have appended the certificate required under s. 101.122 (4) (a), a waiver under s. 101.122 (4) (b) or a stipulation under s. 101.122 (4) (c).

SECTION 820u. 706.13 of the statutes is renumbered 706.13 (1) and amended to read:

706.13 (1) In addition to any criminal penalty or civil remedy provided by law, ~~the execution, placing of record or both of any person who submits for filing, docketing or recording, any lien, claim of lien, lis pendens, writ of attachment or any other instrument relating to the title to land in real or personal property, knowing the matter represented in such instrument contents or any part of the contents to be false, spurious or sham, and intending thereby falsely to cloud or encumber the title, shall subject the person so executing or recording the same to liability in tort for damages, recoverable at the suit of sham or frivolous, is liable in tort to any person interested in the land property whose title is thereby impaired, in the penalty sum for punitive damages of \$1,000 plus any actual damages caused thereby.~~

SECTION 820v. 706.13 (2) and (3) of the statutes are created to read:

706.13 (2) This section applies to any person who causes another person to act in the manner specified in sub. (1).

(3) This section does not apply to a register of deeds or other government employe who acts in the course of his or her official duties and files, docketed or records any instrument relating to title on behalf of another person.

SECTION 820vb. 706.15 of the statutes is created to read:

706.15 Liens against public officials or employes. No lien may be filed, docketed or recorded against the real or personal property of any official or employe of the state or any political subdivision of the state, relating to an alleged breach of duty by the official or employe, except after notice and a hearing before a court of record and a finding by the court that probable cause exists that there was a breach of duty.

SECTION 820x. 757.19 (2) (b) of the statutes is amended to read:

~~757.19 (2) (b) When a judge is a party or a material witness, except that a judge need not disqualify himself or herself if the judge determines that any pleading purporting to make him or her a party is false, sham or frivolous. That judge shall temporarily cease to handle the case and the chief judge of the administrative district shall assign another judge solely for the purpose of conducting a hearing to determine whether the pleading is false, sham or frivolous. If the 2nd judge finds that the pleading is false, sham or frivolous, the judge originally assigned to the case shall continue on the case. If the 2nd judge determines that the pleading is not false, sham or frivolous, the judge originally assigned is disqualified.~~

Vetoed
in Part

SECTION 824. 765.09 of the statutes, as affected by chapter 32, laws of 1979, is amended to read:

765.09 Identification of parties; statement of qualifications. No application for a marriage license may be made by persons lawfully married to each other and no marriage license may be issued to such persons; nor may a marriage license be issued unless the application therefor is subscribed by the parties intending to intermarry and is filed with the clerk who issues the license. ~~The county clerk may issue licenses to persons previously married with the judge's consent, and the judge may then make the determination whether the previous marriage was legal or not.~~ Each party shall present satisfactory, documentary proof of identification and residence and shall swear (or affirm) to the application before the clerk who is to issue the license or the person authorized to accept such applications in the county and state where the party resides. The application shall contain such informational items on the ~~groom and bride parties~~ as are contained in the top panels of the marriage certificate, excluding those items in the lower portion of the certificate collected for statistical purposes only. It shall also contain the intended date and place of the marriage, the ~~last prior marriages~~ marriage of either party and the place, ~~dates the date and manner of the dissolution thereof of the marriage with the names name of the former spouses, and the names, ages and residence of any minor children of such prior marriage spouse.~~ Each applicant under 30 years of age shall exhibit to the clerk a certified copy of a birth certificate, and ~~all any~~ applicants shall submit a copy of ~~all any judgments and or a death certificates certificate~~ affecting the marital status. If such certificate or judgment is unobtainable, other satisfactory documentary proof of the requisite facts therein may be presented in lieu thereof. Whenever ~~said the~~ clerk is not satisfied with the documentary proof presented, he ~~or she~~ shall submit the same, for an opinion as to the sufficiency ~~thereof~~ of the proof, to a judge of a court of record in the county of application.

SECTION 825. 765.19 (2) of the statutes, as affected by chapter 32, laws of 1979, is repealed.

SECTION 826. 767.265 (3) of the statutes, as affected by chapter 32, laws of 1979, is amended to read:

767.265 (3) An assignment made under this section shall be binding upon the employer and successor employers one week after service upon the employer of a true copy of the assignment signed by the employe and annexed to a copy of the order, by personal service or by registered or certified mail, until further order of the court. For each payment the employer shall receive \$1 which shall be deducted from the money to be paid the employe. Section 241.09 ~~shall~~ does not apply to assignments under this section. An employer who fails to make the assignment after receipt of the true copy of the assignment and order as provided in this section may be fined not more than \$200 and may be required to pay the amount assigned to the clerk of the court. The employer may not use such assignments as a basis for the discharge of an employe or for any disciplinary action against the employe. An employer who discharges or disciplines an employe in violation of this subsection may be fined not more than \$200 and may be required to make full restitution to the aggrieved employe, including reinstatement and back pay. Compliance

by an employer with the order operates as a discharge of the employer's liability to the employe as to that portion of the employe's wages so affected.

SECTION 827. 767.265 (4) of the statutes is created to read:

767.265 (4) In this section, "employer" includes the state and its political subdivisions.

SECTION 828. 767.30 of the statutes, as affected by chapter 32, laws of 1979, is amended to read:

767.30 Enforcement of maintenance payment and child support orders. In all cases where child support payments under s. 767.25, maintenance payments under s. 767.26, family support payments under s. 767.261, where child support, family support or maintenance payments are ordered in a temporary order under s. 767.23 or attorney's fees under s. 767.262 are ordered, the court may provide that the same shall be paid in such sums and at such times as shall be deemed expedient, and may impose the same as a charge upon any specific real estate of the party liable or may require sufficient security to be given for payment according to the judgment; and upon neglect or refusal to give such security or upon the failure to pay such payments or fees the court may enforce the payment thereof, including past due payments, by execution, under s. 785.02, by money judgment for past due payments, by satisfaction under s. 811.23 out of any property attached under ch. 811 or otherwise as in other cases. No such judgment shall become effectual as a charge upon specific real estate until the judgment or a certified copy thereof is recorded in the office of the register of deeds in the county in which the real estate is situated.

SECTION 829. 786.36 of the statutes, as affected by chapter 32, laws of 1979, is amended to read:

786.36 Changing names, court procedure. Any resident of this state, whether a minor or adult, may upon petition to the circuit court of the county where he or she resides and upon filing a copy of the notice, with proof of the publication thereof, as required by s. 786.37, if no sufficient cause is shown to the contrary, have his or her name changed or established by order of the court. If the person whose name is to be changed is a minor under the age of 14 years, the petition may be made by: both parents, if living, or the survivor of them; the guardian or person having legal custody of the minor if both parents are dead or if the parental rights have been terminated by judicial proceedings; or the mother, if the minor is born out of wedlock and not subsequently legitimated or adopted, except that the father must also make the petition unless his rights have been legally terminated. The order shall be entered at length upon the records of the court and a ~~copy thereof~~, duly certified, ~~copy of the record~~ shall be filed in the office of the register of deeds of the county, who shall make an entry thereof in a book to be kept by the register. The fee for filing and entering each such certified copy is ~~\$1~~ \$2. If the person whose name is changed or established was born or married in this state, ~~a copy of the record, duly certified, shall be sent by the clerk of court to the state registrar of vital statistics~~ the clerk of the court shall send to the state registrar of vital statistics, on a form designed by the state registrar of vital statistics, an abstract of the record, duly certified, accompanied by the fee prescribed in s. 69.24, which fee the clerk of court shall charge to and collect from the petitioner. The state registrar of vital statistics shall then correct the birth record, marriage record or both, and direct the register of deeds and local registrar to make similar corrections on their records. No person engaged in the practice of any profession for which a license is required by the state may change his or her given name or his or her surname to any other given name or any other surname than that under which the person was originally licensed in the profession in this or any other state, in any instance in which the state board or commission for the particular profession, after a hearing, finds that practicing under the changed name operates to unfairly compete with another practitioner or misleads the public as to identity or otherwise results in detriment to the profession or the public. This prohibition against a change of name by a person engaged in the

practice of any profession does not apply to any person legally qualified to teach in the public schools in this state, nor to a change of name resulting from marriage or divorce, nor to members of any profession for which there exists no state board or commission authorized to issue licenses or pass upon the qualifications of applicants or hear complaints respecting conduct of members of the profession. Any change of name other than as authorized by law is void.

SECTION 830. 803.03 (2) (a) of the statutes is amended to read:

803.03 (2) (a) *Joinder of related claims.* A party asserting a claim for affirmative relief shall join as parties to the action all persons who at the commencement of the action have claims based upon subrogation to the rights of the party asserting the principal claim, derivation from the principal claim, or assignment of part of the principal claim. For purposes of this section, a person's right to recover for loss of consortium shall be deemed a derivative right. Any public assistance recipient asserting a claim against a 3rd party for which the public assistance provider has a right of subrogation or assignment under s. 49.65 (1) or (2) shall join the provider as a party to the claim. Any party asserting a claim based upon subrogation to part of the claim of another, derivation from the rights or claim of another, or assignment of part of the rights or claim of another shall join as a party to the action the person to whose rights the party is subrogated, from whose claim the party derives his or her rights or claim, or by whose assignment the party acquired his or her rights or claim.

SECTION 831. 808.04 (2) (a) of the statutes, as affected by chapters 32 and 89, laws of 1979, is amended to read:

808.04 (2) (a) Subsection (1) does not apply to an appeal for which a specific time period for initiating an appeal is expressly provided by law. Appeals for which special time periods are provided include: s. 9.10 (4) (a) (recall), 30.30 (3) (c) (harbor improvements), 32.05 (13) (condemnation), 32.06 (13) (condemnation), 48.911 (adoption proceedings), 62.075 (4) (detachment of farm lands), 66.014 (7) (b) (municipal incorporation), 66.021 (10) (b) (annexation), 66.05 (8) (c) (razing buildings), 66.435 (4) (b) (urban renewal), 87.16 (flood control projects), 88.09 (2) (drainage of lands), 102.25 (1) (worker's compensation), 111.07 (7) (employment relations commission), 117.03 (5) (school district reorganization), 128.15 (1) (objections to creditors' claims), 128.20 (2) (settlement of receiver's or assignee's accounts), 182.60 (10) (b) (special economic improvement districts), 186.29 (5) (reevaluation of credit union shares), 215.32 (12) (reevaluation of savings and loan accounts), 227.21 (review of administrative agency decisions), 227.26 (enforcement of laws attacked in federal court), 779.29 (log liens), 786.03 (conveyance: specific performance), 808.07 (6) (eviction actions), 879.27 (3) (probate court), 879.31 (extension of probate court appeals) and 974.02 (criminal, juvenile, ~~youthful offender and mental~~ civil commitment and protective placement cases).

SECTION 831m. 812.18 (1) (a) of the statutes is amended to read:

812.18 (1) (a) From the time of the service of the summons and complaint upon the garnishee, the garnishee shall be liable to the plaintiff for the property and earnings then in his or her possession or under his or her control belonging to the defendant or in which he or she is interested to the extent of his or her right or interest therein and for all his or her debts due or to become due to the defendant, except such as are exempt from execution, all sums required by a court to be paid by the defendant as restitution under s. 973.09 or the amount of the subsistence allowance due the defendant under sub. (2) if earnings are the subject matter of the garnishment action, but not in excess of the amount of the plaintiff's claims as disclosed by the garnishee complaint and disbursements, not to exceed \$25 for a small claims action or \$30 for all other actions.

SECTION 832. 812.23 (4) and (5) (b) of the statutes are amended to read:

812.23 (4) Within 20 days after service ~~upon him~~ under sub. (2) (a), the department of administration or the secretary or clerk of the garnishee shall answer the complaint by delivering or mailing to the court his a certificate of the amount owed by the garnishee to the judgment debtor for earnings at the time of service; ~~and his.~~ The garnishee's answer as to the amount owing is conclusive in the garnishment action.

(5) (b) The ~~clerk~~ garnishee shall hold the earnings paid into the court and disburse them as the court orders.

SECTION 833. 863.37 (2) of the statutes is renumbered 863.37 (2) (a) and amended to read:

863.37 (2) (a) Whenever payment of a legacy or a distributive share cannot be made to the person entitled to payment or it appears that the person may not receive or have the opportunity to obtain payment, the court may, on petition of a person interested or on its own motion, order that the money be deposited in the state school fund ~~until such time as the court determines, upon the claim of any person asserting a right to the funds, that he is entitled thereto. The claims shall be made.~~ Claims on funds deposited in the school fund under this subsection may be made under s. 863.39 within 10 years after the date of publication under s. 14.58 (15). When a claimant to the funds resides outside the United States or its territories the court may require the personal appearance of the claimant before the court.

SECTION 834. 863.37 (2) (b) of the statutes is created to read:

863.37 (2) (b) Notwithstanding par. (a), whenever moneys arising from an unclaimed legacy or unclaimed intestate property have been deposited with the state treasurer on or after April 1, 1971, but before the effective date of this act (1979), claims may be made for the property under s. 863.39 within 10 years after the effective date of this act (1979).

SECTION 835. 863.39 (1) of the statutes is amended to read:

863.39 (1) GENERALLY. If any legacy or intestate property is not claimed by the distributee within 120 days after entry of final judgment ~~(, or within the time designated in the judgment),~~ it shall be converted into money as close to the inventory value as possible and paid to the state school fund. If money escheats to the state, or is deposited for safekeeping in the state treasury, the money shall be held by the state until ~~such time as the court determines, upon the claim of a person asserting a right to the funds, that he or she is entitled thereto to the funds.~~ The claim shall be made under sub. (3) but there shall be no limit upon the time in which the claim may be filed.

SECTION 836. 863.39 (3) of the statutes is renumbered 863.39 (3) (a) and amended to read:

863.39 (3) (a) The money received by the state treasurer under sub. (1) ~~and or~~ s. 852.01 (3) shall be paid to the owner on proof of his the person's right thereto. ~~The~~ Within 10 years after the date of publication under s. 177.12, the claimant may file in the probate court in which the estate was settled, a petition alleging the basis of his or her claim. The court shall order a hearing upon the petition, and 20 days days' notice thereof of the hearing and a copy of the petition shall be given by the claimant to the department of revenue and to the attorney general, who shall may appear for the state at the hearing. If the claim is established it shall be allowed without interest, but including any increment which may have occurred on securities held, and the court shall so certify to the department of administration, which shall audit and the state treasurer shall pay the same claim out of the appropriation under s. 20.585 (1) (j). Before issuing the order distributing the estate, the court shall issue an order determining the inheritance tax due, if any. If real property has been adjudged to escheat to the state under s. 852.01 (3) the probate court which made the adjudication may adjudge at any time before title has been transferred from the state that the title shall be transferred to the proper owners under this subsection.

SECTION 837. 863.39 (3) (b) of the statutes is created to read:

863.39 (3) (b) Notwithstanding par. (a), whenever moneys arising from an unclaimed legacy or unclaimed intestate property have been deposited with the state treasurer on or after April 1, 1971, but before the effective date of this act (1979), claims may be made for the property under this section within 10 years after the effective date of this act (1979).

SECTION 837m. 893.36 of the statutes is created to read:

893.36 Secured livestock. (1) An action by a secured party to recover damages or property, based upon the sale of livestock which when sold is the secured party's collateral, against the market agency which in the ordinary course of business conducts the auction of the livestock, or against a buyer in ordinary course of business shall be commenced within 2 years after the date of sale of the livestock, or be barred, if:

(a) The debtor signs or endorses any writing arising from the transaction, including a check or draft, which states that the sale of the livestock is permitted by the secured party; and

(b) The secured party does not commence an action, within 2 years after the date of sale of the livestock against the debtor for purposes of enforcing rights under the security agreement or an obligation secured by the security agreement.

(2) This section does not apply to actions based upon a sale of livestock occurring prior to the effective date of this act (1979) or chapter 144, laws of 1979, whichever first occurs, nor to an action by a secured party against its debtor. Section 893.35 or 893.51 applies to any action described in sub. (1) if the limitation described in sub. (1) is not applicable.

(3) In this section:

(a) "Buyer in ordinary course of business" has the meaning provided by s. 401.201 (9).

(b) "Collateral" has the meaning provided by s. 409.105 (1) (c).

(c) "Debtor" has the meaning provided by s. 409.105 (1) (d).

(d) "Market agency" means a person regularly engaged in the business of receiving, buying or selling livestock whether on a commission basis or otherwise.

(e) "Secured party" has the meaning provided by s. 409.105 (1) (m).

(f) "Security agreement" has the meaning provided by s. 409.105 (1) (L).

SECTION 840. 895.45 (1) of the statutes is amended to read:

895.45 (1) No civil action or civil proceeding may be brought against any state officer, employe or agent for or on account of any act growing out of or committed in the course of the discharge of such the officer's, employe's or agent's duties, unless within ~~90~~ 120 days of the event causing the injury, damage or death giving rise to the civil action or civil proceeding, the claimant in the action or proceeding serves upon the attorney general written notice of a claim stating the time, date, location and the circumstances of the event giving rise to the claim for the injury, damage or death and the names of persons involved, including the name of the state officer, employe or agent involved.

SECTION 841. 895.45 (4) of the statutes is amended to read:

895.45 (4) The amount recoverable by any person or entity for any damages, injuries or death in any civil action or civil proceeding against a state officer, employe or agent shall not exceed ~~\$100,000~~ \$250,000. No punitive damages may be allowed or recoverable in any such action.

SECTION 842. 895.46 (1) (a) of the statutes, as affected by chapter 74, laws of 1979, is amended to read:

895.46 (1) (a) If the defendant in any action or special proceeding is a public officer or employe and is proceeded against in an official capacity or is proceeded against as an individual because of acts committed while carrying out duties as an officer or employe and the jury or the court finds that the defendant was acting within the scope of employment, the judgment as to damages and costs entered against the officer or employe in excess of any insurance applicable to the officer or employe shall be paid by the state or political subdivision of which the defendant is an officer or employe. Agents of any department of the state shall be covered by this section while acting within the scope of any written agreement entered into prior to the occurrence of any act which results in any action or special proceeding. Regardless of the results of the litigation the governmental unit, if it does not provide legal counsel to the defendant officer or employe, shall pay reasonable attorney fees and costs of defending the action, unless it is found by the court or jury that the defendant officer or employe did not act within the scope of employment. If the employing state agency or the attorney general denies that the state officer, employe or agent was doing any act growing out of or committed in the course of the discharge of his or her duties, the attorney general may appear on behalf of the state to contest that issue without waiving the state's sovereign immunity to suit. Failure by the officer or employe to give notice to his or her department head of an action or special proceeding commenced against the defendant officer or employe as soon as reasonably possible is a bar to recovery by the officer or employe from the state or political subdivision of reasonable attorney fees and costs of defending the action. The attorney fees and expenses shall not be recoverable if the state or political subdivision offers the officer or employe legal counsel and the offer is refused by the defendant officer or employe. If the officer, employe or agent of the state refuses to cooperate in the defense of the litigation, the officer, employe or agent is not eligible for any indemnification or for the provision of legal counsel by the governmental unit under this section.

SECTION 842g. 905.04 (title), (1) (a) and (c), (2), (3) and (4) (a) and (e) of the statutes are amended to read:

905.04 (title) Physician-patient, chiropractor-patient or psychologist-patient privilege.

(1) (a) A "patient" is a person who consults or is examined or interviewed by a physician, chiropractor or psychologist.

(c) A communication or information is "confidential" if not intended to be disclosed to 3rd persons other than those present to further the interest of the patient in the consultation, examination, or interview, or persons reasonably necessary for the transmission of the communication or information or persons who are participating in the diagnosis and treatment under the direction of the physician, chiropractor or psychologist, including the members of the patient's family.

(2) GENERAL RULE OF PRIVILEGE. A patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made or information obtained or disseminated for purposes of diagnosis or treatment of the patient's physical, mental or emotional condition, among the patient, the patient's physician, the patient's chiropractor, the patient's psychologist or persons, including members of the patient's family, who are participating in the diagnosis or treatment under the direction of the physician, chiropractor or psychologist.

(3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the patient, by the patient's guardian or conservator, or by the personal representative of a deceased patient. The person who was the physician, chiropractor or psychologist may claim the privilege but only on behalf of the patient. The authority so to do is presumed in the absence of evidence to the contrary.

(4) (a) *Proceedings for hospitalization.* There is no privilege under this rule as to communications and information relevant to an issue in proceedings to hospitalize the patient for mental illness, if the physician, chiropractor or psychologist in the course of diagnosis or treatment has determined that the patient is in need of hospitalization.

(e) *Abused or injured child.* There is no privilege in situations where the examination of an abused or injured child creates a reasonable ground for an opinion of the physician or chiropractor that the condition was other than accidentally caused or inflicted by another.

SECTION 842j. 905.04 (1) (e) of the statutes is created to read:

905.04 (1) (e) "Chiropractor" means a person licensed under s. 446.02, or a person reasonably believed by the patient to be a chiropractor.

SECTION 842m. 905.04 (4) (f) of the statutes is repealed.

SECTION 842q. 939.22 (19) and (34) of the statutes are created to read:

939.22 (19) "Intimate parts" means the breast, buttock, anus, groin, scrotum, penis, vagina or pubic mound of a human being.

(34) "Sexual contact" means the intentional touching of the clothed or unclothed intimate parts of another person with any part of the body clothed or unclothed or with any object or device, or the intentional touching of any part of the body clothed or unclothed of another person with the intimate parts of the body clothed or unclothed if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification.

SECTION 842r. 939.22 (24) of the statutes is amended to read:

939.22 (24) "Place of prostitution" means any place where a person habitually engages in nonmarital acts of sexual intercourse ~~or~~, sexual perversion, masturbation or sexual contact for any thing of value.

SECTION 842rm. 940.20 (2) of the statutes, as affected by chapter 113, laws of 1979, is amended to read:

940.20 (2) (title) BATTERY TO LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS. Whoever intentionally causes bodily harm to a ~~peace law enforcement officer, as defined in s. 939.22 (22),~~ or fire fighter, as those terms are defined in s. 102.475 (8) (a) and (c), acting in an official capacity and the person knows or has reason to know that the victim is a ~~peace law enforcement officer or fire fighter,~~ by an act done without the consent of the person so injured, is guilty of a Class D felony.

SECTION 842s. 940.225 (5) (a) of the statutes, as affected by chapter 24, laws of 1979, is repealed.

SECTION 842t. 940.225 (5) (b) and (c) of the statutes are renumbered 940.225 (5) (a) and (b), and 940.225 (5) (a), as renumbered is amended to read:

940.225 (5) (a) "Sexual contact" means any intentional touching of the intimate parts, clothed or unclothed, of a person to the intimate parts, clothed or unclothed, of another, or the intentional touching by hand, mouth or object of the intimate parts, clothed or unclothed, of another, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification or if ~~such the~~ touching contains the elements of actual or attempted battery ~~as defined in s. 940.20~~ under s. 940.19 (1).

SECTION 843g. 941.23 (1) of the statutes is renumbered 941.23.

SECTION 843j. 941.23 (2) of the statutes, as affected by chapter 115, laws of 1979, is repealed.

SECTION 843m. 941.235 of the statutes is created to read:

941.235 Carrying firearm in public building. (1) Any person who goes armed with a firearm in any building owned or leased by the state or any political subdivision of the state is guilty of a Class B misdemeanor.

(2) This section does not apply to peace officers or armed forces or military personnel who go armed in the line of duty or to any person duly authorized by the chief of police of any city or the sheriff of any county to possess a firearm in any building under sub. (1).

SECTION 843o. 943.60 of the statutes is created to read:

943.60 Criminal slander of title. (1) Any person who submits for filing, docketing or recording any lien, claim of lien, lis pendens, writ of attachment or any other instrument relating to title in real or personal property, knowing the contents or any part of the contents to be false, sham or frivolous, is guilty of a Class E felony.

(2) This section applies to any person who causes another person to act in the manner specified in sub. (1).

(3) This section does not apply to a register of deeds or other government employe who acts in the course of his or her official duties and files, docketed or records any instrument relating to title on behalf of another person.

SECTION 843q. 944.30 (1) to (3) of the statutes are amended to read:

944.30 (1) Has or offers to have or requests to have nonmarital sexual intercourse for any thing of value;

(2) Commits or offers to commit or requests to commit an act of sexual perversion for any thing of value;

(3) Is an inmate of a place of prostitution; ~~or.~~

SECTION 843qc. 944.30 (5) of the statutes is created to read:

944.30 (5) Commits or offers to commit or requests to commit an act of sexual contact for any thing of value.

SECTION 843qd. 944.31 of the statutes is amended to read:

944.31 Patronizing prostitutes. Any person who enters or remains in any place of prostitution with intent to have nonmarital sexual intercourse with a prostitute or with intent to commit an act of sexual perversion, masturbation or sexual contact with a prostitute is guilty of a Class A misdemeanor.

SECTION 843qe. 944.33 (1) (a) and (b) of the statutes are amended to read:

944.33 (1) (a) Solicits another to have nonmarital sexual intercourse or to commit an act of sexual perversion, masturbation or sexual contact with a person the solicitor knows is a prostitute; or

(b) With intent to facilitate another in having nonmarital intercourse or committing an act of sexual perversion, masturbation or sexual contact with a prostitute, directs or transports ~~he~~ the person to a prostitute or directs or transports [a] prostitute to ~~him~~ the person.

SECTION 844g. 968.20 (3) of the statutes is repealed and recreated to read:

968.20 (3) (a) First class cities shall dispose of firearms or ammunition seized 12 months after taking possession of them if the owner has not requested their return and if the firearm or ammunition is not required for evidence or use in further investigation and has not been disposed of pursuant to a court order at the completion of a criminal action or proceeding. Disposition procedures shall be established by ordinance or resolution and may include provisions authorizing an attempt to return to the rightful owner any firearms or ammunition which appear to be stolen or are reported stolen. If enacted, any such provision shall include a presumption that if the firearms or ammunition appear to be or are reported stolen an attempt will be made to return the firearms or ammunition to the rightful owner. If the return of the seized firearm or ammunition is not requested by its

owner under sub. (1) and is not returned by the officer under sub. (2), the seized firearm or ammunition shall be shipped to and become property of the state crime laboratory. The administrator or a person designated by the administrator may destroy any material for which the laboratory has no use or arrange for the exchange of material with other public agencies. In lieu of destruction, shoulder weapons for which the laboratory has no use shall be turned over to the department of natural resources for sale and distribution of proceeds under s. 29.06.

(b) Except as provided in par. (a) or sub. (4), the custodian of a seized firearm or ammunition, if the firearm or ammunition is not required for evidence or use in further investigation and has not been disposed of pursuant to a court order at the completion of a criminal action or proceeding, shall make reasonable efforts to notify all persons who have or may have an interest in the firearm or ammunition of the application requirements under sub. (1). If, within 30 days after the notice, an application under sub. (1) is not made and the seized firearm or ammunition is not returned by the officer under sub. (2), the seized firearm or ammunition shall be shipped to and become the property of the state crime laboratory. The administrator or a person designated by the administrator may destroy any material for which the laboratory has no use or arrange for the exchange of material with other public agencies. In lieu of destruction, shoulder weapons for which the laboratory has no use shall be turned over to the department of natural resources for sale and distribution of proceeds under s. 29.06.

(c) In this subsection, "administrator" has the meaning designated in s. 165.75 (1) (b).

SECTION 844r. 968.20 (4) and (5) of the statutes are created to read:

968.20 (4) Any property seized which poses a danger to life or other property in storage, transportation or use and which is not required for evidence or further investigation shall be safely disposed of upon command of the person in whose custody they are committed. The city, village, town or county shall by ordinance or resolution establish disposal procedures. Procedures may include provisions authorizing an attempt to return to the rightful owner substances which have a commercial value in normal business usage and do not pose an immediate threat to life or property. If enacted, any such provision shall include a presumption that if the substance appears to be or is reported stolen an attempt will be made to return the substance to the rightful owner.

(5) A city, village, town or county may dispose of any firearm or ammunition under this section only by return to the rightful owner, destruction or transfer to the state crime laboratory.

SECTION 845m. 971.21 of the statutes is repealed.

SECTION 846. 973.08 (2) of the statutes, as affected by supreme court order of December 11, 1979, effective January 1, 1980, is repealed and recreated to read:

973.08 (2) The transcript of any portion of the proceedings relating to the prisoner's sentencing shall be filed at the institution within 120 days from the date sentence is imposed.

SECTION 847. 973.08 (3) to (5) of the statutes are created to read:

973.08 (3) The transcript of all other testimony and proceedings upon order of a court shall be delivered to a prisoner within 120 days of his or her request.

(4) The transcript of all other testimony and proceedings upon order of a court shall be delivered to the department within 120 days of its request.

(5) The clerk of court shall file or deliver a transcript under sub. (2), (3) or (4).

SECTION 853. 977.02 (5) of the statutes is amended to read:

977.02 (5) For each county, ~~fix the hourly rate~~ assign a rate schedule to be paid to local counsel appointed from the assigned counsel lists.

Vetoed
in Part

~~SECTION 854m. 977.02 (6) of the statutes is renumbered 977.05 (4) (m).
SECTION 854p. 977.02 (7) and (8) of the statutes are renumbered 977.02 (6) and (7).
SECTION 861m. 977.05 (4) (m) of the statutes is renumbered 977.05 (4) (n).
SECTION 867m. 977.08 (1) of the statutes is amended to read:
977.08 (1) If the representative of the state public defender determines that a person is indigent in full or in part under s. 977.07, the representative shall assign counsel according to the lists prepared under sub. (3) and according to the percentage established by the board under s. 977.02 (6), 977.05 (4) (m) for that type of case in that county.~~

SECTION 871. 979.20 (1) (i) of the statutes is created to read:

979.20 (1) (i) When a physician cannot be obtained within 24 hours of death.

SECTION 872. Chapter 405, laws of 1975, section 13 is repealed.

SECTION 872m. Chapter 29, laws of 1977, section 1606c (11), as last amended by chapter 418, laws of 1977, is repealed.

SECTION 873. Chapter 29, laws of 1977, section 1625n is repealed.

SECTION 874. Chapter 418, laws of 1977, section 8 is repealed.

SECTION 875. Chapter 418, laws of 1977, section 8m is repealed.

SECTION 876. Chapter 418, laws of 1977, section 10 is repealed.

SECTION 877. Chapter 418, laws of 1977, section 10m is repealed.

SECTION 878. Chapter 418, laws of 1977, section 40 is repealed.

SECTION 879. Chapter 418, laws of 1977, section 131 is repealed.

SECTION 880. Chapter 418, laws of 1977, section 147m is repealed.

SECTION 882. Chapter 418, laws of 1977, section 214m is repealed.

SECTION 883. Chapter 418, laws of 1977, section 287 is repealed.

SECTION 884. Chapter 418, laws of 1977, section 294 is repealed.

SECTION 885. Chapter 418, laws of 1977, section 295 is repealed.

SECTION 886. Chapter 418, laws of 1977, section 296 is repealed.

SECTION 887. Chapter 418, laws of 1977, section 297 is repealed.

SECTION 888. Chapter 418, laws of 1977, section 332 is repealed.

SECTION 889. Chapter 418, laws of 1977, section 360 is repealed.

SECTION 890. Chapter 418, laws of 1977, section 361 is repealed.

SECTION 891. Chapter 418, laws of 1977, section 362 is repealed.

SECTION 892. Chapter 418, laws of 1977, section 369 is repealed.

SECTION 893. Chapter 418, laws of 1977, section 409 is repealed.

SECTION 894. Chapter 418, laws of 1977, section 586 is repealed.

SECTION 895. Chapter 418, laws of 1977, section 676 is repealed.

SECTION 896. Chapter 418, laws of 1977, section 728, as it pertains to the treatment of section 230.36 (1) of the statutes, is repealed.

SECTION 897. Chapter 418, laws of 1977, section 729 is repealed.

SECTION 898. Chapter 418, laws of 1977, section 924 (18) (d) is repealed.

SECTION 899. Chapter 418, laws of 1977, section 929 (55) (a) is amended to read:
(Chapter 418, laws of 1979) Section 929 (55) (a) Miscellaneous.

A	B	C
Statute Sections	Old Cross-References	New Cross-References
15.107 (2), as created by chapter (Assembly Bill 523), laws of 1977	16.75 (2)(c)	16.75 (4)(c)
15.151 (intro.), as affected by chapter (Assembly Bill 523), laws of 1977	16.75 (2) (b)	16.75 (4)(b)
16.755 (4), as created by chapter (Assembly Bill 523), laws of 1977	16.75 (2)(a)	16.75 (4)(a)
20.255 (2)(b)	16.71 (4)	16.71
20.285 (1)(c)	16.71 (4)	16.71
20.435 (9)(f)	16.71 (4)	16.71
20.465 (1)(f)	16.71 (4)	16.71
20.485 (1)(c)	16.71 (4)	16.71
20.505 (1)(d)	16.71 (4)	16.71
25.42, as created by chapter 107, laws of 1977	20.855 (2)(e)	20.855 (2)(b)
49.175 (4)	49.45 (6m)(a) 1 and 3 to 7	49.45 (6m)(a) 1
51.37 (5)(a)	sub. (2) or (3)	ss. 51.37 (2), 1975 stats. or sub. (3)
66.432 (1) and (2)	51.434 (1)	51.01 (5)
84.03 (9)(a)	20.395 (4)(q)	20.395 (3)
101.22 (1), (1m)(b) and (4n)	51.434 (1)	51.01 (5)
101.223 (1) and (2)	51.434 (1)	51.01 (5)
118.13	51.434 (1)	51.01 (5)
138.20 (1)	51.434 (1)	51.01 (5)
227.033 (1), as affected by chapter 83, laws of 1977	51.434 (1)	51.01 (5)
227.22 (3)	227.075	227.064
625.12 (2)	51.434 (1)	51.01 (5)
942.04 (1)(a), (c) and (d)	51.434 (1)	51.01 (5)

SECTION 900. Chapter 418, laws of 1977, section 930 (16) is repealed.

SECTION 901. Chapter 418, laws of 1977, section 930 (18) (e) and (f) are repealed.

SECTION 902. Chapter 34, laws of 1979, section 825 is repealed.

SECTION 903. Chapter 34, laws of 1979, section 2001 (2) is amended to read:

(Chapter 34, laws of 1979) Section 2001 (2) REGIONAL DATA PROCESSING SERVICE CENTERS; INITIAL FUNDING. The secretary of administration shall request a transfer of data processing positions and funding in the appropriations of appropriate state agencies to the appropriation under section 20.855 (8) (k) of the statutes, as created by this act, from the joint committee on finance, acting under section 13.101 of the statutes, for the purpose of establishing 3 regional data processing service centers under section 16.97 of the statutes, as created by this act. The secretary shall designate the employees of each regional data processing service center to be employees of the state agency which the secretary designates as having primary responsibility for the regional data processing service center. Transfer of moneys and positions under this subsection shall be made no later than July 1, 1980 1981.

SECTION 903d. Chapter 34, laws of 1979, section 2006m (12) is amended to read:

(Chapter 34, laws of 1979) Section 2006m (12). The building trust funds authorized for advanced planning under section 1606c (1) (b) of chapter 29, laws of 1977, ~~shall may~~ be used to prepare preliminary plans, concept and budget, and detailed design for a 450 bed medium/maximum security institution and for a 300 to 400 bed medium security institution or either institution. Release of ~~such~~ funds for preparation of a concept and budget report shall be subject to prior approval by the building commission and the joint committee on finance.

SECTION 903g. Chapter 34, laws of 1979, section 2006m (14) to (22) are created to read:

(Chapter 34, laws of 1979) Section 2006m (14) The \$5,565,000 of general fund supported borrowing authorization in chapter 34, laws of 1979, section 2006m (1) (a) for the Wilson street office building remodeling and state capitol remodeling and energy conservation project may be combined with the \$4,260,000 of general fund supported borrowing authorized in chapter (this act), laws of 1979, section 2006 (2) (a) for a total project budget of \$9,825,000 of general fund supported borrowing.

(15) In addition to the authorization in chapter (this act), laws of 1979, section 2006 (2) (a), the regional crime lab shall be relocated from its currently leased facility in the city of New Berlin to a state-owned facility in a new location within 36 months after the effective date of this act. The new location must be served by mass transportation and be centrally located to the major users of the crime lab.

(16) The \$20,000,000 of general fund supported borrowing authorization in chapter 34, laws of 1979, section 2006m (1) (c) for construction of a medium/minimum security correctional institution shall be used to finance, in part, the construction or establishment of either or both a new medium or a new maximum/medium security correctional institutions as authorized in chapter (this act), laws of 1979, section 2006 (2) (e) at a total project budget of \$36,000,000 of general fund supported borrowing.

(17) The \$1,286,000 of general fund supported borrowing authorized in chapter 29, laws of 1977, section 1606c (1) (a), for the Madison — nutritional sciences remodeling project may be combined with the Madison — nutritional sciences remodeling — phase II project as authorized in chapter (this act), laws of 1979, section 2006 (2) (i) for a total project budget of \$2,790,000 of general fund supported borrowing.

(18) For the purposes of chapter (this act), laws of 1979, section 2006 (2) (m) the university of Wisconsin system, all other statutory provisions notwithstanding, may accept gifts of money, professional services, labor and materials and negotiate construction contracts for the design and construction of that project.

(19) The \$5,000,000 of general fund supported borrowing for state capitol remodeling authorized under chapter (this act), laws of 1979, section 2006 (2) (a) may not be released until a plan for the remodeling is approved as appropriate for bonding by the joint committee on finance and is approved as to design by the joint committee on legislative organization.

(20) Of the \$1,000,000 of general fund supported borrowing for state historical society museum facilities purchase and remodeling authorized under chapter ... (this act), section 2006 (2) (f), no more than \$360,000 may be expended for remodeling and repair work associated with the project. Of such \$1,000,000, no more than \$550,000 may be expended for the purchase of a building for a state historical museum unless both the joint committee on finance and the building commission approve the purchase offer.

(21) Instead of the \$1,200,000 of segregated fund supported borrowing authorized in chapter 29, laws of 1977, section 1606c (1) (g) for construction of a southern district headquarters facility, this facility shall be funded from \$552,000 of general fund supported and \$648,000 existing segregated fund supported borrowing.

(22) The \$50,000 authorized under chapter (this act), laws of 1979, section 2006 (2) (cm) shall be used for advance planning for the phased remodeling and facilities improvements at the Waupun correctional institution.

SECTION 903m. Chapter 34, laws of 1979, section 2020 (21) is repealed.

SECTION 903r. Chapter 34, laws of 1979, section 2020 (26) is amended to read:

Chapter 34, laws of 1979, section 2020 (26) PERSONAL CARE SERVICES IN MEDICAL ASSISTANCE. Notwithstanding the treatment of section 49.46 (2) (a) 9 of the statutes by this act, the department of health and social services shall continue to pay charges for

personal care services provided to any medical assistance recipient on or after the effective date of this act under section 49.46 (2) (a) 9 of the statutes, as affected by this act, if the program providing the services existed on June 1, 1979. This subsection does not apply after ~~January~~ July 1, 1980.

SECTION 903t. Chapter 34, laws of 1979, section 2039 (4g) and (4m) (d) are amended to read:

(Chapter 34, laws of 1979) Section 2039 (4g) AIR POLLUTION REVISIONS; IMPLEMENTATION. On or before December 31, ~~1980~~ 1981, the department of natural resources shall prepare rules required under sections 144.31 (1) ~~(j) to (L)~~ (k), 144.375 (1) and (2) and 144.391 to 144.403 of the statutes, as created by chapter 34, laws of 1979, and as affected by chapter ... (this act), laws of 1979, and notify the appropriate standing committees of each house of the legislature as determined by the presiding officer of each house and as required under section 227.018 of the statutes, as created by ~~this act~~ chapter 34, laws of 1979. Until these rules are promulgated, the department of natural resources shall determine the requirements of sections 144.31 (1) ~~(j) to (L)~~ (k), 144.375 (1) and (2), 144.391 to 144.397, 144.399 and 144.402 of the statutes on a case-by-case basis and as provided under subsection (4m).

(4m) (d) *Interpretation.* ~~To~~ Until modified, amended or repealed and to the extent possible, the provisions in Wis. Adm. Code NR 154 shall be interpreted so that a notice of intent, an application for an order, and the issuance of an order of approval or conditional approval or an order prohibiting construction are treated as if they were a notice under section 144.392 (1) of the statutes, as created by this act ~~chapter 34, laws of 1979, an application for an air pollution control permit, and the issuance of an air pollution control permit or the denial of an air pollution control permit are treated as if they were a notice of intent, an application for an order, and the issuance of an order of approval or conditional approval or an order prohibiting construction.~~

SECTION 903u. Chapter 34, laws of 1979, section 2039 (9) is amended to read:

(Chapter 34, laws of 1979) Section 2039 (9) CONSERVANCY ZONE GRANT PROGRAM. The department of natural resources shall establish a conservancy zone grant program for the fiscal ~~year 1979-80~~ years 1979-81. The department of natural resources shall provide grants to municipalities which have established ~~municipally owned~~ municipally owned conservancy zones of 160 acres or more. The department shall determine criteria for providing grants under this program. The criteria shall include requirements that the grants be used for protection and enhancement of the natural environment on trail development, wildlife habitat improvement, shelter facilities and similar projects.

SECTION 903x. Chapter 34, laws of 1979, section 2052 (7) (a) is renumbered 85.13 of the statutes and amended to read:

85.13 (title) Cost of traffic violation and registration program. The department of ~~transportation~~ shall develop a system for charging local units of government for the cost of the development and operation of the traffic violation and registration program under ~~sections ss. 341.08 (4m), 341.10 (7) and 345.47 (1) (d) of the statutes~~ based on the number of transactions processed by the local unit of government. No notices under ~~section s. 345.47 (1) (d) of the statutes~~ submitted by the court may be processed by the department unless the local unit of government involved has paid the department the appropriate amount determined by the department under this ~~subsection~~ section.

SECTION 903y. Chapter 34, laws of 1979, section 2052 (7) (b) is amended to read:

Chapter 34, laws of 1979, section 2052 (7) (b) ~~The~~ On July 29, 1979, the city of Milwaukee shall pay to the department of transportation for deposit in the general fund ~~amounts an amount~~ an amount equal to the dollar ~~amounts~~ amount in the schedule under section 20.005 of the statutes for the appropriation under section 20.395 (5) (fa) of the statutes, as created by this act. ~~In paying these amounts, the city of Milwaukee shall pay an~~

~~amount equal to the appropriation for fiscal year 1979-80 on the effective date of this act and an amount equal to the appropriation for fiscal year 1980-81 on July 1, 1980, for fiscal year 1979-80.~~

SECTION 906. Chapter 34, laws of 1979, section 2054 (2) and (3) are amended to read:

(Chapter 34, laws of 1979) Section 2054 (2) **REPORT ON REPROGRAMMING OF PUBLIC SERVICE FUNDS.** The board of regents of the university of Wisconsin system shall conduct a study and report to the governor and joint committee on finance by ~~May 1~~ June 16, 1980, on the methods the board uses to ensure that the board's priorities are reflected in decisions to reprogram public service funds within the university of Wisconsin-extension. The report shall also identify a method by which the governor and the legislature may be regularly informed of public service projects that have been completed. The board of regents shall transmit a copy of the report to the presiding officer of each house of the legislature, who shall refer the report to one standing committee and cause notice of the referral to be spread upon the journal of the house.

(3) **REPORT ON CONTINUING EDUCATION FEES.** The board of regents of the university of Wisconsin system shall assess and report to the governor and the joint committee on finance by ~~May 1~~ June 16, 1980, on the progress that has been made by the university of Wisconsin-extension in implementing the continuing education fee study required under section 727 (5) of chapter 39, laws of 1975. The board shall include in the report any modifications found necessary to apply a consistent education fee policy to the university of Wisconsin-extension and inter-institutional offerings in the university of Wisconsin system or to make other changes for efficient and effective delivery of continuing education. The board of regents shall transmit a copy of the report to the presiding officer of each house of the legislature, who shall refer the report to one standing committee and cause notice of the referral to be spread upon the journal of the house.

SECTION 907. Chapter 34, laws of 1979, section 2104 (20) (a) is amended to read:

(Chapter 34, laws of 1979) Section 2104 (20) (a) *Private sewage system.* The treatment or creation of sections ~~20.435 (1) (em),~~ 59.065, 59.07 (51), 145.045 (3), 145.19, 145.20 and 145.21 of the statutes by this act takes effect on July 1, 1980.

SECTION 908. Chapter 34, laws of 1979, section 2104 (20) (b) is repealed.

SECTION 908m. Chapter 34, laws of 1979, section 2104 (39) (h) is amended to read:

(Chapter 34, laws of 1979) Section 2104 (39) (h) *Conservancy zone grant program.* The repeal of section 20.370 (4) (ac) of the statutes by this act takes effect on July 1, ~~1980~~ 1981.

SECTION 909. Chapter 97, laws of 1979, section 2 is amended to read:

(Chapter 97, laws of 1979) Section 2. **Sunset.** The amendment of section 230.26 (1) of the statutes by SECTION 1 of this act shall be in effect only until ~~March 31, 1980~~ July 1, 1981, or the general effective date of the 1981-83 biennial budget act, whichever is later.

SECTION 2001. **Nonstatutory provisions; administration.**

(1) **VEHICLE TRANSFER FROM THE DEPARTMENT OF NATURAL RESOURCES TO THE DEPARTMENT OF ADMINISTRATION.** (a) *Authorization.* On or before July 1, 1981, the department of natural resources and the department of administration may enter into an agreement to transfer cars from the department of natural resources to the department of administration. The agreement shall specify the depreciated value of the cars on the date of transfer.

(b) *Shown as expenditure.* If there is an agreement, the specified depreciated value of the transferred cars shall be shown as an expenditure from the appropriation under section 20.505 (1) (kb) of the statutes, as affected by the laws of 1979.

(c) *Shown as revenues.* If there is an agreement, the specified depreciated value of the transferred cars shall be shown as revenues and deposited in the general fund and in the conservation fund in proportion to which each fund contributed to this value. The department of natural resources, with the approval of the department of administration, shall determine the contribution of each fund. The contribution of a fund is calculated by multiplying the depreciated value of each car by the percentage of the purchase price of the car originally paid from an appropriation from the fund. The total amount contributed by the general fund shall be deposited in that fund as general program revenues earned. The total amount contributed by the conservation fund shall be deposited in that fund as revenues attributed to the accounts of the conservation fund in proportion to which each account contributed, to be determined by the department of natural resources, with the approval of the department of administration, in a manner similar to the calculation of the fund contributions.

(2) **COMPUTING RESOURCES.** The authorized FTE positions for the department of administration are increased by 1.0 PRO project position on July 1, 1980, to be funded from the appropriation under section 20.505 (1) (kc) of the statutes, as affected by the laws of 1979, for computing resources.

(3) **TRANSPORTATION UTILITY.** The authorized FTE positions for the department of administration are increased by 1.0 PRO position on the effective date of this act, to be funded from the appropriation under section 20.505 (1) (i) of the statutes, as affected by the laws of 1979, to provide staff for a transportation utility.

(4) **INTERNAL MANAGEMENT.** The authorized FTE positions for the department of administration are increased by 1.0 PRO position on July 1, 1980, to be funded from the appropriation under section 20.505 (1) (ka) of the statutes, as affected by the laws of 1979, for a data entry position.

(5) **STATE AGENCY SERVICES.** The authorized FTE positions for the department of administration are increased by 1.8 PRO positions on July 1, 1980, to be funded from the appropriation under section 20.505 (1) (ka) of the statutes, as affected by the laws of 1979, for fleet operations.

(6) **BUILDINGS AND GROUNDS.** The authorized FTE positions for the department of administration are increased by 2.0 PRO positions on the effective date of this act, to be funded from the appropriation under section 20.505 (1) (kf) of the statutes, as affected by the laws of 1979, to reflect the funding of the division of buildings and grounds administrative staff from this appropriation.

(7) **TRANSPORTATION UTILITY.** The authorized FTE positions for the department of administration are increased by 1.0 FED position on the effective date of this act, to be funded from the appropriation under section 20.505 (1) (ma) of the statutes, as affected by the laws of 1979, to provide staff for a transportation utility.

(8) **SCHOOLS AND HOSPITALS PROGRAM.** The authorized FTE positions for the department of administration are increased by 0.5 FED position on July 1, 1980, to be funded from the appropriation under section 20.505 (1) (mb) of the statutes, as affected by the laws of 1979, for the schools and hospitals program.

(9) **NURSING HOME FORFEITURE APPEALS BOARD.** The authorized FTE positions for the department of administration are decreased by 1.0 PRO position on the effective date of this act, to be taken from the appropriation under section 20.505 (6) (k) of the statutes, as affected by the laws of 1979, to delete one clerical position for the nursing home forfeiture appeals board.

(10) MILWAUKEE COUNTY STATE EMPLOYMENT PLAN. The secretary of administration shall prepare and transmit to the joint committee on finance, no later than June 30, 1981, a report incorporating a plan for relocating appropriate state agency functions into Milwaukee county, where feasible, in order to provide more effective or efficient service to the people, to prevent a reduction of state employment in the county as the result of the merger of former districts 2 and 9 of the department of transportation and to attempt to alleviate high unemployment among members of minority groups in the county.

(11) LTE STUDY FOLLOW-UP. The department of administration shall establish procedures under which each state agency formally addresses the budgetary implications of the recommendations in the report on the use of limited term employes, due to be submitted by the department of employment relations on or before November 1, 1980, before the submittal of the 1981-83 biennial budget to the legislature.

(13) UTILITY AND FUEL SUPPLEMENT. No later than February 15, 1981, the department of administration shall propose to the joint committee on finance a mechanism for making allocations to state agencies for meeting unanticipated fuel costs. The mechanism shall include specific allocation criteria, procedures for appealing allocation decisions and review of proposed allocations by the unit in state government responsible for monitoring energy conservation in state facilities.

(14) HYDROELECTRIC DEVELOPMENT. From the appropriation under section 20.505 (1) (mb) of the statutes, as affected by chapter 34, laws of 1979, the department of administration is authorized to fill 2 full-time project positions for administration of responsibilities relating to the development of hydroelectric facilities.

(15) WIND ENERGY. From the appropriation under section 20.505 (1) (a) of the statutes, as affected by chapter 34, laws of 1979, the department of administration is authorized to fill one full-time project employment position to administer the wind energy program under section 16.959 of the statutes, as created by this act.

**Vetoed
in Part** (16) PARKING FEE INITIAL RULES. The department of administration shall within 7 days after the effective date of this act promulgate as an emergency rule under section 227.027 of the statutes, the schedule of existing parking fees initially established under section 16.843 (2) of the statutes. Within 60 days after the effective date of this act, the department shall submit proposed rules for the schedule of parking fees as required under section 16.843 (2) of the statutes, as affected by this act to the legislative council staff under section 227.029 (1) of the statutes.

(17) CAPITOL QUICK-COPY CENTER. The authorized FTE positions for the department of administration are increased by 1.0 PRO position on July 1, 1980, to be funded from the appropriation under section 20.505 (1) (kd) of the statutes, for the purpose of continuing one office machine operator position at the capitol quick-copy center. The authorization provided in this subsection terminates on June 30, 1981.

SECTION 2003. Nonstatutory provisions; agriculture, trade and consumer protection.

(1) ANIMAL HEALTH CLERICAL SERVICES. The authorized FTE positions for the department of agriculture, trade and consumer protection are increased by 1.0 FED position on July 1, 1980, to be funded from the appropriation under section 20.115 (2) (m) of the statutes, as affected by the laws of 1979, to reflect increased federal funding for clerical services in the animal health program.

(2) MILWAUKEE GRAIN REGULATION. The authorized FTE positions for the department of agriculture, trade and consumer protection are increased by 13.0 PRO positions on July 1, 1980, to be funded from the appropriation under section 20.115 (3) (h) of the statutes, as affected by the laws of 1979, for increased grain regulation activities in Milwaukee.

(3) STATE FAIR PARK FOOD SERVICES. The authorized FTE positions for the department of agriculture, trade and consumer protection are increased by 1.0 PRO position on July 1, 1980, to be funded from the appropriation under section 20.115 (5) (h) of the statutes, as affected by the laws of 1979, to reflect the change in status of a clerical assistant in the food services operation at the state fair park from performance under a personal services contract to permanent state employe status.

~~(4) ENERGY EFFICIENCY TESTING. The authorized FTE positions for the department of agriculture, trade and consumer protection are increased by 2.0 GPR positions on July 1, 1980, to be funded from the appropriation under section 20.115 (1) (c) of the statutes, as created by this act, for the testing of products under sections 100.21 (5) and 100.42 (6) of the statutes, as created by this act.~~

Vetoed
in Part

SECTION 2006. Nonstatutory provisions; building commission.

(2) In chapter 34, laws of 1979, section 2006m, the following changes shall be made in the authorized state building program for 1979-81, and the appropriate totals in that section shall be adjusted accordingly:

(a) In section 2006m (1) (a), the following authorizations shall be added to the department of administration projects to be financed by general fund supported borrowing:

State capitol remodeling	\$ 5,000,000
Wilson street office remodeling-Phase II	4,260,000
Green Bay district office facilities construction or acquisition	7,000,000
Milwaukee/Waukesha district office facilities construction or acquisition	7,948,200
(total project all funding sources - \$10,700,000)	

(c) In section 2006m (1) (a), the following authorization shall be added to the department of administration projects to be financed by agency funds:

GEF-I remodeling	\$ 373,600
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(cm) In section 2006m (1) (c), the following authorizations shall be added to the department of health and social services projects to be financed by building trust funds:

Advance planning for phased remodeling and facilities improvements of Waupun correctional institution	\$ 50,000
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(d) In section 2006m (1) (c), the following authorizations shall be added to the department of health and social services projects to be financed by general fund supported borrowing:

Maximum/medium or medium or both security correctional facilities construction or establishment	\$16,000,000
(total project all funding sources - \$36,000,000)	

(e) In section 2006m (1) (c), the following authorizations shall be added to the department of health and social services projects to be financed by existing general fund supported borrowing:

Maximum/medium or medium or both security correctional facilities construction or establishment	\$20,000,000
(total project all funding sources - \$36,000,000)	

(f) In section 2006m (1) (d), the following authorizations shall be added to the state historical society projects to be financed by general fund supported borrowing:

Museum facilities purchase and remodeling	\$ 1,000,000
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(ff) In section 2006m (1) (f), the following authorizations shall be added to the department of natural resources projects to be financed from the department of natural resources segregated fund supported borrowing:

Project financed by segregated fund supported borrowing:	
Milwaukee/Waukesha district office facilities	

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construction or acquisition \$ 908,000
(total project all funding sources - \$10,700,000)
Total segregated fund supported borrowing \$ 908,000

(fg) In section 2006m (1) (f), the following authorizations shall be added to the department of natural resources projects to be financed from the department of natural resources general fund supported borrowing:

Project financed by general fund supported borrowing:
Milwaukee/Waukesha district office facilities construction or acquisition \$ 1,843,800
(total project all funding sources - \$10,700,000)
Total general fund (excluding ORAP) supported borrowing \$ 1,843,800

(g) In section 2006m (1) (f), the following authorizations shall be added to the department of natural resources projects to be financed by outdoor recreation program supported borrowing:

Willow river state park dam repairs \$ 355,000
(total project all funding sources - \$710,000)

(h) In section 2006m (1) (f), the following authorizations shall be added to the department of natural resources projects to be financed by gifts, grants or other agency funds:

Hayward nursery acquisition \$ 400,000
Willow river state park dam repairs 355,000
(total project all funding sources - \$710,000)

(i) In section 2006m (1) (j), the following authorizations shall be added to the university of Wisconsin system projects to be financed by general fund supported borrowing:

Madison - nutritional sciences remodeling, Phase II \$ 1,504,000
(total phase I & II - \$2,790,000)
Whitewater - plant sciences greenhouse construction 284,700
(total project all funding sources - \$344,000)

(j) In section 2006m (1) (j), the following authorizations shall be added to the university of Wisconsin system projects to be financed by existing general fund supported borrowing - alternative energy demonstration projects:

Whitewater - plant sciences greenhouse construction \$ 59,300
(total project all funding sources - \$344,000)

(k) In section 2006m (1) (j), the following authorizations shall be added to the university of Wisconsin system projects to be financed by self-amortized supported borrowing:

Green Bay - student housing acquisition and renovation \$ 2,000,000
Madison - northeast Madison family practice clinic acquisition 790,000
Stevens Point - university center kitchen/dining room renovation 478,100
(total project all funding sources - \$997,500)

(L) In section 2006m (1) (j), the following authorizations shall be added to the university of Wisconsin system projects to be financed by existing self-amortized borrowing:

Stevens Point - university center kitchen/dining room renovation \$ 519,400
(total project all funding sources - \$997,500)

(m) In section 2006m (1) (j), the following authorizations shall be added to the university of Wisconsin system projects to be financed by gifts, grants or other agency receipts:

Madison - Camp Randall stadium office construction and remodeling \$ 830,000

SECTION 2009. Nonstatutory provisions; court of appeals.

(1) **COURT OF APPEALS STAFF.** The authorized FTE positions for the court of appeals are increased by 5.0 GPR positions on the effective date of this act, to be funded from the appropriation under section 20.660 (1) (a) of the statutes, as affected by the laws of 1979, to reflect increased regional and central staff for the court of appeals to accommodate increased case load.

SECTION 2011. Nonstatutory provisions: educational communications board.

(1) **EDUCATIONAL TELEVISION PROGRAMMING GUIDE.** The authorized FTE positions for the educational communications board are increased by 2.0 PRO positions on July 1, 1980, to be funded from the appropriation under section 20.225 (1) (g) of the statutes, as affected by the laws of 1979, to facilitate the monthly publication of a statewide television programming guide to encourage maximum utilization of educational television services.

(2) **INSTRUCTIONAL PROGRAMMING RESEARCH.** The authorized FTE positions for the educational communications board are increased by 1.0 PRO position on July 1, 1980, to be funded from the appropriation under section 20.225 (1) (g) of the statutes, as affected by the laws of 1979, to enhance the effectiveness of instructional television programs through increased research.

SECTION 2013. Nonstatutory provisions; employe trust funds.

(1) **DIVISION ADMINISTRATORS.** The incumbent secretary and deputy secretary of the department of employe trust funds on the effective date of this act shall continue to serve in those positions on and after the effective date of this act, until terminated under section 15.04 (2) or 15.05 (1) (b) of the statutes, respectively. For the purpose of section 230.33 (intro.) and (1) of the statutes the incumbent secretary and deputy secretary are deemed to have been appointed to their positions from the classified service on the effective date of this act and are entitled to the rights provided by those sections.

SECTION 2015. Nonstatutory provisions; employment relations department.

(1) **LIMITED TERM EMPLOYEES STUDY.** The department of employment relations shall conduct a review of state agencies' use of limited term employees. The report shall include, but not be limited to: a) A description for each agency of the recurring and nonrecurring activities in the agency in which limited term employees are used and the full-time equivalent number of limited term employees in each activity; and b) A discussion of the advantages and disadvantages of hiring permanent employees rather than limited term employees to perform these recurring activities. The report shall include the department's recommendations as to appropriate utilization of limited term employees and shall be completed and distributed to state agencies, the governor and the legislature on or before November 1, 1980. Each state agency shall formally address the budgetary implications of the report's recommendations before the submittal of the 1981-83 biennial budget to the legislature.

SECTION 2018. Nonstatutory provisions; executive programs.

(1) **OMBUDSMAN AND ADVOCACY ACTIVITIES.** The authorized FTE positions for the office of the governor are increased by 10.0 GPR positions to be funded from the appropriation under section 20.525 (4) (a) of the statutes, as created by this act, 2.0 GPR positions to be funded from the appropriation under section 20.525 (4) (b) of the statutes, as created by this act, 2.0 GPR positions to be funded from the appropriation under section 20.525 (4) (c) of the statutes, as created by this act, and 4.0 FED positions to be funded from the appropriation under section 20.525 (4) (m) of the statutes, as created by this act, on the effective date of this act for the purpose of carrying out ombudsman and advocacy activities under section 14.19 of the statutes, as created by this act.

SECTION 2020. Nonstatutory provisions; health and social services.

Partial
Veto
Overruled

(1) MORATORIUM ON COMMUNITY-BASED RESIDENTIAL FACILITY APPLICATIONS FOR CERTIFICATES OF NEED. Neither the department of health and social services nor any substate health planning agency may accept applications for certificates of need submitted under chapter 150 of the statutes for the construction of new or the expansion of existing community-based residential facilities or the conversion to a community-based residential facility prior to the effective date of a rule the department adopts under sections 150.003 and 150.07 and chapter 227 of the statutes, establishing specific criteria for reviewing the applications. Any pending community-based residential facility application not decided upon by the department as of the effective date of this act shall be returned to the applicant for resubmission at the end of this moratorium. The department shall submit the proposed rule specified in this section to the legislative council for review under section 227.029 of the statutes no later than July 1, 1980. The rule may establish special methods and review periods for processing applications submitted within 6 months after the end of this moratorium. This subsection applies only to community-based residential facilities for persons who are developmentally disabled or who have a primary diagnosis of chronic mental illness.

(2) COUNCIL ON BLINDNESS. Members of the council on blindness serving on the effective date of this act may serve for the duration of the terms to which they were appointed. Appointments made to the council on or after the effective date of this act shall be for 3-year terms.

(3) TECHNICAL ADJUSTMENTS. The authorized FTE positions for the department of health and social services are decreased by 1.8 GPR positions on the effective date of this act, to be taken from the appropriation under section 20.435 (1) (a) of the statutes, as affected by the laws of 1979, to adjust the funding of positions to reflect determinations made in the 1979-81 biennial budget process.

(4) TECHNICAL ADJUSTMENT. The authorized FTE positions for the department of health and social services are increased by 0.5 PRO position on the effective date of this act, to be funded from the appropriation under section 20.435 (1) (gm) of the statutes, as affected by the laws of 1979, to adjust the funding of positions to reflect determinations made in the 1979-81 biennial budget process.

(6) PLUMBING REGULATION TRANSFER. The authorized FTE positions for the department of health and social services are decreased by 29.0 PRO positions, to be taken from the appropriation under section 20.435 (1) (gm) of the statutes, as affected by the laws of 1979, to accomplish the transfer of various plumbing license, certification and regulation activities from the department of health and social services to the department of industry, labor and human relations.

(7) SEPTIC TANK PROGRAM TRANSFER. The authorized FTE positions for the department of health and social services are decreased by 15.0 PRO positions, to be taken from the appropriation under section 20.435 (1) (gm) of the statutes, as affected by the laws of 1979, to accomplish the transfer of administration of the septic tank program from the department of health and social services to the department of industry labor and human relations.

(8) PLUMBING LICENSE PROCESSING TRANSFER. The authorized FTE positions for the department of health and social services are decreased by 1.0 PRO position, to be taken from the appropriation under section 20.435 (1) (hm) of the statutes, as affected by the laws of 1979, to accomplish the transfer of plumbing license processing activities from the department of health and social services to the department of industry, labor and human relations.

(9) TECHNICAL ADJUSTMENTS. The authorized FTE positions for the department of health and social services are increased by 0.55 FED position on the effective date of this act, to be funded from the appropriation under section 20.435 (1) (m) of the statutes, as affected by the laws of 1979, and by 0.75 FED position on the effective date of this act, to

be funded from the appropriation under section 20.435 (1) (n) of the statutes, as affected by the laws of 1979, to adjust the funding of positions to reflect determinations made in the 1979-81 biennial budget process.

(10) **PLAT REVIEW TRANSFER.** The authorized FTE positions for the department of health and social services are decreased by 2.0 FED positions, to be taken from the appropriation under section 20.435 (1) (n) of the statutes, as affected by the laws of 1979, to accomplish the transfer of plat review functions for subdivisions not served by public sewers from the department of health and social services to the department of industry, labor and human relations.

(11) **TECHNICAL ADJUSTMENT.** The authorized FTE positions for the department of health and social services are decreased by 0.02 GPR position on July 1, 1980, to be taken from the appropriation under section 20.435 (2) (a) of the statutes, as affected by the laws of 1979, to adjust the funding of positions to reflect determinations made in the 1979-81 biennial budget process.

(12) **PSYCHIATRIC RESIDENCY PROGRAM.** The authorized FTE positions for the department of health and social services are increased by 3.57 GPR positions on July 1, 1980, to be funded from the appropriation under section 20.435 (2) (a) of the statutes, as affected by the laws of 1979, in order to meet the medical needs of patients at the Winnebago mental health institute.

(13) **EDUCATIONAL IMPROVEMENTS AT CENTERS FOR DEVELOPMENTALLY DISABLED.** The authorized FTE positions for the department of health and social services are increased by 7.0 GPR project positions on July 1, 1980, to be funded from the appropriation under section 20.435 (2) (a) of the statutes, as affected by the laws of 1979, and by 7.0 FED project positions on July 1, 1980, to be funded from the appropriation under section 20.435 (2) (m) of the statutes, as affected by the laws of 1979, to provide additional teachers at the centers for the developmentally disabled in order to comply with federal requirements mandating a free and appropriate education for handicapped children.

(14) **SPECIALIZED RELEASE PROGRAMS.** The authorized FTE positions for the department of health and social services are increased by 3.3 GPR positions on July 1, 1980, to be funded from the appropriation under section 20.435 (3) (a) of the statutes, as affected by the laws of 1979, and decreased by 14.3 FED positions on July 1, 1980, to be taken from the appropriation under section 20.435 (3) (m) of the statutes, as affected by the laws of 1979, to adjust the number of positions necessary for anticipated federal grants under specialized release programs of the federal law enforcement assistance administration and to meet state matching requirements.

(15) **OFFENDER WORK PROGRAMS.** The authorized FTE positions for the department of health and social services are increased by 4.0 GPR positions on July 1, 1980, to be funded from the appropriation under section 20.435 (3) (a) of the statutes, as affected by the laws of 1979, and by 1.0 FED position on July 1, 1980, to be funded from the appropriation under section 20.435 (3) (m) of the statutes, as affected by the laws of 1979, to provide for administrative costs related to offender work programs.

(16) **TECHNICAL ADJUSTMENTS.** The authorized FTE positions for the department of health and social services are increased by 2.0 GPR positions on July 1, 1980, to be funded from the appropriation under section 20.435 (8) (a) of the statutes, as affected by the laws of 1979, and by 2.0 FED positions on July 1, 1980, to be funded from the appropriation under section 20.435 (8) (n), as affected by the laws of 1979, to adjust the funding of positions to reflect determinations made in the 1979-81 biennial budget process.

(17) **EMERGENCY FUEL AND UTILITIES LOANS.** The department of health and social services shall reduce its calendar year 1980 income maintenance aids, under section 20.435 (4) (de) of the statutes, to any county by an amount equal to the amount of unspent emergency fuel and utilities assistance loan program funds claimed under section

49.055 (1) of the statutes in fiscal years 1977-78 and 1978-79, if the county fails to return these funds to the department by April 30, 1980.

(18) **AGENT ORANGE VICTIMS.** The department of health and social services shall prepare a plan to assist Vietnam veterans who were exposed to agent orange and shall submit the plan to the joint committee on finance for consideration at its quarterly meeting under section 13.101 of the statutes in June 1980. When the joint committee on finance approves the department's plan the committee, acting under section 13.101 of the statutes, shall direct the release of the funds or a portion of the funds appropriated under section 20.435 (1) (r) of the statutes for the implementation of the plan.

(19) **LESS RESTRICTIVE PLACEMENT OF PERSONS IN CENTERS FOR DEVELOPMENTALLY DISABLED.** In January of each year, the department shall report to the joint committee on finance and to the appropriate standing committees of the legislature identifying all residents of centers for the developmentally disabled whom an independent professional review under 42 USC 1396a (31), in effect on the effective date of this act, or a utilization review under 42 USC 1396b (i) (4), in effect on the effective date of this act, have found appropriate for less restrictive placement and stating the recommended level of care of each person, county of origin, length of time spent in a center and reasons why the department has not placed each person in accordance with the recommendation of the review.

(21) **CASE MANAGEMENT FOR MEDICAL ASSISTANCE.** On or before September 1, 1980, the department of health and social services shall submit to the appropriate standing committees in each house of the legislature and to the joint committee on finance a report on a case management program for medical assistance, including:

(a) An examination of alternative enrollment strategies such as cash incentives to encourage voluntary participation in a case management program or negative enrollment requiring the recipient to take affirmative steps to prevent participation in a program, and of policies and sanctions to ensure recipient participation in a program and to extend due process guarantees to recipients.

(b) A comparison of methods to encourage provider participation in a case management program, such as using fee for service reimbursement or capitation fees reimbursement.

(c) The need for waivers from the federal department of health and human services prior to instituting a case management program on a statewide basis or on a limited basis as a pilot project.

(d) An evaluation of the state primary provider program, noting the extent the program is in use and its effectiveness in controlling abuse of medical assistance.

(e) The resources needed to implement a case management program and the federal funds available to support the program.

(22) **REPORT ON ASSESSMENTS OF NEED IN COORDINATED PLANS AND BUDGETS.** On or before January 15, 1981, the department of health and social services shall submit a report to the governor and to the appropriate committees in each house of the legislature, including:

(a) A description of the methods counties use to assess needs under section 46.031 (2) (a) of the statutes;

(b) County-by-county data on unmet needs for calendar year 1980 from coordinated plans and budgets submitted to the department and data generated from other sources;

(c) Sample comparisons between counties of the data submitted under par. (b);

(d) A description of the department's efforts to increase the uniformity and objectivity of county assessments of needs; and

(e) Recommendations for uses of unmet needs data in funding programs of county public welfare or social services departments organized under sections 46.22 or 49.51 of the statutes, mental hygiene boards organized under section 51.42 of the statutes, developmental disability boards organized under section 51.437 of the statutes or community human services boards organized under section 46.23 of the statutes.

(23) MEDICAL ASSISTANCE; UNIFORM STATEWIDE PHYSICIAN REIMBURSEMENT. The legislature intends that the department of health and social services provide greater uniformity in its statewide physician reimbursement fee schedule under medical assistance. The department shall study the establishment of greater uniformity, considering the impact of its fee schedule on provider participation in the medical assistance program and on access to health care by medical assistance recipients. On or before September 1, 1980, the department shall provide a preliminary report to the joint committee on finance and to the appropriate standing committees in each house of the legislature proposing modifications in the reimbursement fee schedule and explaining the effects of the proposals.

(24) 2ND OPINION MEDICAL ASSISTANCE PROGRAM. The authorized FTE positions for the department of health and social services are increased by 2.25 FED 2-year project positions on July 1, 1980, to be funded from the appropriation under section 20.435 (1) (n) of the statutes, as affected by the laws of 1979, to administer the 2nd opinion medical assistance program under section 49.45 (3) (i) of the statutes, as created by this act.

(25) SUPPLY OF NURSES STUDY; MORATORIUM ON CERTAIN ACTIVITIES RELATING TO NURSES. (a) The department of health and social services shall:

~~1. Study the supply of and demand for nurses in this state. The department shall determine:~~

- ~~a. The extent of any shortage or maldistribution of active nurses in this state;~~
- ~~b. The impact of such a shortage or maldistribution on the quality or adequacy of health care and on health care facilities in this state; and~~
- ~~c. The fiscal impact of such a shortage or maldistribution, including but not limited to any impact on the cost of health care.~~

Vetoed
in Part

2. Examine the final report of the Wisconsin Statewide Study of Nursing and Nursing Education issued in October 1979, to determine the impact of its recommendations, if implemented, on:

- a. The future supply of nurses in the state;
- b. The quality or adequacy of health care in the state;
- c. Fiscal matters, including but not limited to health care costs; and
- d. The educational level of nurses in various settings and occupations.

~~(b) The board of regents of the university of Wisconsin system, the board of vocational, technical and adult education, the board of nursing in the department of regulation and licensing and the health policy council shall cooperate fully with the department during its study.~~

Vetoed
in Part

(c) The department of health and social services shall complete its study and examination under par. (a) and present a report to the appropriate standing committees of the legislature on or before February 1, 1981. The report shall recommend changes in state policy that may be required to alleviate any shortage or maldistribution of active nurses, to ensure the quality or adequacy of nursing and to contain health care costs with respect to nursing.

Vetoed
in Part

(d) From the effective date of this act to 6 months after the report is presented under par. (c), the board of regents of the university of Wisconsin system, the board of vocational, technical and adult education and the board of nursing in the department of regulation and licensing may not implement those recommendations of the Wisconsin Statewide Study of Nursing and Nursing Education to discontinue or merge existing nursing

schools or alter substantially educational programs other than degree completion programs, the proposed University of Wisconsin-Madison Ph.D. program or programs initiated not as a direct result of the recommendations of the statewide study.

(28) **RADIATION MONITORING.** Of the amounts appropriated under section 20.435 (1) (h) of the statutes, as created by this act, the department of health and social services shall expend up to \$20,000 in fiscal year 1980-81 to contract with the state laboratory of hygiene for laboratory services for radiation monitoring under section 140.61 of the statutes, as created by this act. Of the amounts appropriated under section 20.435 (1) (h) of the statutes, as created by this act, the department shall expend up to \$70,000 in fiscal year 1980-81 to fund the purchase of equipment, travel expenses and miscellaneous costs related to radiation monitoring under section 140.61 of the statutes, as created by this act.

(29) **STUDY OF BILLING OF 51.437 BOARDS.** The department of health and social services shall study options for billing of 51.437 boards for costs of care provided at state centers for the developmentally disabled. The study shall address the feasibility of terminating such billing and the potential effects of terminating billing on appropriateness of institutional placements and on efforts toward deinstitutionalization. The department shall report its findings and recommendations to the appropriate standing committees of the legislature on or before January 1, 1981.

SECTION 2021. Nonstatutory provisions; health facilities authority.

(1) **CAPITAL PROJECTS.** The health facilities authority and the department of health and social services shall study the practices governing the financing of capital projects by health facilities. In this study, the authority and the department shall examine the needs, methods and results of health care financing policies in order to develop standards for providing low-cost financial assistance to health care facilities eligible for financing by the authority. The department and the authority shall submit the results of their study to the governor and to the appropriate standing committees in each house of the legislature prior to January 1, 1981. The study shall address:

(a) The coordination of the authority's activities with the office of rural health in the university of Wisconsin system-extension in providing financial assistance to rural health institutions;

(b) The barriers perceived by rural health institutions in using loan funds of the board of commissioners of public lands;

(c) The feasibility of pooling and coordinating small health facility financing projects into single bond issues;

(d) The provision of financial assistance to areas that are medically underserved because of inadequate opportunities for low-cost financing; and

(e) The methods of controlling health care costs by means of low-cost financing mechanisms.

SECTION 2022. Nonstatutory provisions; higher educational aids board.

(1) **TUITION GRANT PROGRAM.** Notwithstanding the provision of section 39.30 of the statutes, the higher educational aids board may not spend in excess of \$10,782,900 from the appropriation under section 20.235 (1) (b) in fiscal year 1980-81. The board shall incorporate a proration of grant awards through application of fixed percentages of each dependent student's family contribution and of each independent student's adjusted available income. The board shall also prorate all tuition grants by April 15, 1980, and distribute award lists to educational institutions by May 1, 1980.

(2) **FEDERAL REVENUE.** *The higher educational aids board shall utilize special allowance revenues in excess of budgeted administrative program expenditures for purposes of student revenue bond financing if deemed necessary by the building commission, and for purposes of health education assistance loans if borrowing for the loans is deemed fiscally inappropriate by the building commission. The board shall report to the joint committee on*

Partial
Veto
Overruled

finance before utilizing special allowance funds for purposes other than budgeted administrative program expenditures or, if a new student revenue bond is not financed by December 1, 1980, the board shall report to the joint committee on finance by December 1, 1980, on anticipated uses of excess special allowance funds.

(3) HIGHER EDUCATION GRANTS. *Of the amounts appropriated under section 20.235 (1) (fe) of the statutes, as affected by the laws of 1979, \$3,000,000 may not be released without the approval of the joint committee on finance on or before December 1, 1980. The joint committee may not release these funds if excess federal special allowance revenue is available for grant support.*

Partial
Veto
Overruled

SECTION 2023. Nonstatutory provisions; historical society.

(1) WISCONSIN HOLOCAUST SURVIVORS PROJECT. The authorized FTE positions for the historical society are increased by 0.5 PRO position on the effective date of this act, to be funded from the appropriation under section 20.245 (1) (h) of the statutes, as affected by the laws of 1979, and by 2.0 FED positions on the effective date of this act, to be funded from the appropriation under section 20.245 (1) (m) of the statutes, as affected by the laws of 1979, to provide personnel for the documentation of the experiences of the Wisconsin Jews who survived the Nazi persecution.

SECTION 2025. Nonstatutory provisions; industry, labor and human relations.

(1) PLUMBING CODE TRANSFER; TRANSFER OF SERVICES AND FUNDS. (a) To the extent practicable, the property and records relating to plumbing code enforcement activities and the regulation of plumbers under chapter 145 and sections 236.12 (2) (a), 236.13 (1) (d) and (2m) and 236.335 of the statutes are transferred from the department of health and social services to the department of industry, labor and human relations. In addition to those positions transferred under this section and section 2020, those positions in the department of health and social services relating primarily to plumbing code enforcement activities and the regulation of plumbers under chapter 145 and 236.12 (2) (a), 236.13 (1) (d) and (2m) and 236.335 of the statutes which the secretary of health and social services and the secretary of industry, labor and human relations agree to transfer to the department of industry, labor and human relations may be so transferred by the secretaries upon notification to the secretary of administration. Persons transferred to the department of industry, labor and human relations under this SECTION and SECTION 2020 retain the rights and privileges enjoyed immediately prior to their transfer in the department of health and social services. The secretary of industry, labor and human relations and the secretary of health and social services shall meet as soon as practicable after the effective date of this act and agree on the transfer of the personnel, property and records.

(b) Licenses, permits and approvals issued by the department of health and social services and valid prior to the effective date of this act remain valid for the length of time originally specified, and shall be treated as licenses, permits or approvals issued by the department of industry, labor and human relations under chapter 145 and sections 236.12 (2) (a), 236.13 (1) (d) and (2m) and 236.335 of the statutes.

(c) All rules of the department of health and social services relating to the qualifications of persons regulated under chapter 145 of the statutes and relating to review and approval of plats under section 236.13 (1) (d) of the statutes, shall become rules of the department of industry, labor and human relations and be administered by that department unless amended or repealed.

(d) All applications for licenses, permits or approvals and all actions to suspend or revoke a license, permit or approval under chapter 145 or sections 236.12 (2) (a), 236.13 (1) (d) and (2m) and 236.335 of the statutes pending before the department of health and social services on the effective date of this act are assumed by the department of industry, labor and human relations.

(2) EMPLOYMENT AND TRAINING ADMINISTRATION. The authorized FTE positions for the department of industry, labor and human relations are increased by 1.0 FED project position on the effective date of this act and by 2.0 FED positions on the effective date of this act, to be funded from the appropriation under section 20.445 (3) (m) of the statutes, as affected by the laws of 1979, to perform new audit functions and administer an educational linkages program under the federal comprehensive employment and training act.

(3) PLUMBING REGULATION TRANSFER. The authorized FTE positions for the department of industry, labor and human relations are increased by 29.0 PRO positions, to be funded from the appropriation under section 20.445 (1) (i) of the statutes, as affected by the laws of 1979, to accomplish the transfer of various plumbing license, certification and regulation activities from the department of health and social services to the department of industry, labor and human relations.

(4) SEPTIC TANK PROGRAM TRANSFER. The authorized FTE positions for the department of industry, labor and human relations are increased by 15.0 PRO positions, to be funded from the appropriation under section 20.445 (1) (i) of the statutes, as affected by the laws of 1979, to accomplish the transfer of administration of the septic tank program from the department of health and social services to the department of industry, labor and human relations.

(5) PLUMBING LICENSE PROCESSING TRANSFER. The authorized FTE positions for the department of industry, labor and human relations are increased by 1.0 PRO position, to be funded from the appropriation under section 20.445 (1) (i) of the statutes, as affected by the laws of 1979, to accomplish the transfer of plumbing license processing activities from the department of health and social services to the department of industry, labor and human relations.

(6) PLAT REVIEW TRANSFER. The authorized FTE positions for the department of industry, labor and human relations are increased by 2.0 PRO positions, to be funded from the appropriation under section 20.445 (1) (i) of the statutes, as affected by the laws of 1979, to accomplish the transfer of plat review functions for subdivisions not served by public sewers from the department of health and social services to the department of industry, labor and human relations.

(8) WORKER'S COMPENSATION AND UNEMPLOYMENT COMPENSATION OUTREACH. The department of industry, labor and human relations shall allocate \$20,200 of the federal moneys appropriated under section 20.445 (1) by chapter 34, laws of 1979, for the purpose of continuing an outreach program to inform members of the Latin community in Milwaukee county of their rights under the worker's compensation and unemployment compensation laws.

(10) RENTAL UNIT ENERGY EFFICIENCY. The authorized FTE positions for the department of industry, labor and human relations are increased by 2.5 PRO positions on July 1, 1980, to be funded from the appropriation under section 20.445 (1) (j) of the statutes, as affected by the laws of 1979, for administering the rental unit energy efficiency program under section 101.122 of the statutes, as created by this act.

Vetoed in Part (11) WEATHERIZATION LABELS. The authorized FTE positions for the department of industry, labor and human relations are increased by 0.5 PRO position on July 1, 1980, to be funded from the appropriation under section 20.445 (1) (j) of the statutes, as affected by the laws of 1979, for administering the weatherization labeling program under sections 101.63 (10) and 101.73 (13) of the statutes, as created by this act.

Vetoed in Part and Overruled in Part (12) DWELLING CODE INSPECTION. A county or the department of industry, labor and human relations may not provide or require inspection services under section 101.65 of the statutes prior to January 1, 1981, in a city village or town with a population of 2,500 or less unless the municipality consents.

SECTION 2026. Nonstatutory provisions; insurance.

(1) DATA PROCESSING SERVICES ALLOCATION. The authorized FTE positions for the office of the commissioner of insurance are decreased by 0.3 PRO position on July 1, 1980, to be taken from the appropriation under section 20.145 (1) (g) of the statutes, as affected by the laws of 1979, to reflect a more appropriate allocation of data processing services in the agency.

(2) RECORDS MANAGEMENT POSITION TRANSFER. The authorized FTE positions for the office of the commissioner of insurance are increased by 1.0 PRO position on July 1, 1980, to be funded from the appropriation under section 20.145 (1) (g) of the statutes, as affected by the laws of 1979, to reallocate a position to create a records management position within the agency.

(3) RECORDS MANAGEMENT POSITION TRANSFER. The authorized FTE positions for the office of the commissioner of insurance are decreased by 1.0 SEG position on July 1, 1980, to be taken from the appropriation under section 20.145 (2) (u) of the statutes, as affected by the laws of 1979, to reallocate a position to create a records management position within the agency.

(4) DATA PROCESSING SERVICES ALLOCATION. The authorized FTE positions for the office of the commissioner of insurance are increased by 0.3 SEG position on July 1, 1980, to be funded from the appropriation under section 20.145 (4) (u) of the statutes, as affected by the laws of 1979, to reflect a more appropriate allocation of data processing services in the agency.

(5) LIQUIDATION OF THE TEMPORARY WORKERS' COMPENSATION INSURANCE SECURITY FUND. (a) The commissioner of insurance shall determine the interests of insurers in the temporary workers' compensation insurance security fund as of July 1, 1980, as follows: The aggregate amount ever paid by each insurer doing business in this state on July 1, 1980, into the stock workers' compensation security fund established under section 102.65 (2), 1967 stats., the mutual workers' compensation security fund established under section 102.65 (4), 1967 stats., and the reciprocal workers' compensation security fund established under section 102.65 (6), 1967 stats., which were consolidated into the temporary workers' compensation insurance security fund shall be ascertained. The ratio of the aggregate amount paid by each such insurer to the aggregate amount paid by all such insurers is the percentage interest of the insurer in the fund. The commissioner of insurance shall disburse to each such insurer its proportionate interest applied to the balance of the fund on August 22, 1969, less a share of the assessments against the fund since its consolidation determined by applying the ratio which determines the insurer's interest in the fund to the total assessments against the fund.

(b) The balance remaining in the temporary workers' compensation insurance security fund after calculation of the amount to be disbursed under paragraph (a) shall be paid into the general fund. When all disbursements have been made under this subsection the temporary workers' compensation insurance security fund is terminated.

(6) PROPERTY FUND TRANSFER. All positions, property and records related to the state property insurance fund are transferred to the local government property insurance fund on July 1, 1980, or on the day after publication of this act, whichever is later.

(7) PROPERTY FUND SURPLUS BALANCE. The amount in the state property insurance fund on July 1, 1980, or the day after publication of this act, whichever is later, is transferred to the local government property insurance fund except 37.8% of the surplus balance in the fund on June 30, 1980, with all interest due the fund through that date included in the calculation of that balance, or \$5,925,200 from the surplus balance, whichever is greater, shall be paid into general fund.

(8) PREPAID REINSURANCE PREMIUM REFUND. All prepaid reinsurance premiums refunded to the commissioner of insurance as a result of the state's withdrawal from the state property insurance fund shall be paid into the general fund.

(9) **PROPERTY FUND POSITIONS ELIMINATED.** If the commissioner of insurance contracts for the administration of the local government property insurance fund, the commissioner shall notify the department of administration. If the commissioner gives notice, 4.0 SEG positions in the office of the commissioner of insurance which carry out the administration of the local government property insurance fund are converted to project positions on the date the notice is given and are eliminated effective January 1, 1981.

SECTION 2032. Nonstatutory provisions; justice.

(1) **ATTORNEY GENERAL'S OPINION.** The attorney general is requested to give his or her opinion as expeditiously as possible as to whether the public service commission is violating section 196.20 (2) of the statutes by its practice of granting a utility a rate increase under an automatic fuel adjustment clause without hearing.

SECTION 2033. Nonstatutory provisions; legislature.

(1) **FEDERAL GRANT AUDITING.** The authorized FTE positions for the legislative audit bureau are increased by 2.0 PRO positions on the effective date of this act, to be funded from the appropriation under section 20.765 (3) (ka) of the statutes, as affected by the laws of 1979, and by an additional 3.0 PRO positions on July 1, 1980, to be funded from the appropriation under section 20.765 (3) (ka) of the statutes, as affected by this act, to perform audits in connection with the utilization of federal grant moneys by state agencies.

(2) **LEGISLATIVE COUNCIL STUDIES.** (a) The legislative council shall conduct a study of innovative correctional programs, including, but not limited to studying the development of community based correctional facilities in Wisconsin and other states and the provision of parole and probation supervision services. The legislative council shall appoint a committee for this study under section 13.82 (intro.) of the statutes which includes representatives of the office of the governor, the judiciary, the public, the state bar association, the division of corrections of the department of health and social services and the legislature. The legislative council shall report its findings and recommendations for potential modifications in the state's community corrections programs to the governor, the joint committee on finance and appropriate standing committees of the legislature no later than December 31, 1980, in a form appropriate for inclusion in the 1981-83 biennial budget bill.

(b) The legislative council is requested to study the question of positive alternatives to abortion and the narrower question of quality of life and quantity of life in the framework of the common good, human freedoms and constitutional imperatives. The legislative council is requested to appoint, under section 13.82 (intro.) of the statutes, a study committee composed of legislators and lay persons which would present its findings and recommendations to the legislature by July 1, 1981.

(c) The legislative council is requested to study the unfair sales act, section 100.30 of the statutes. The legislative council is requested to report its findings and recommendations to the legislature by January 15, 1981.

(3) **ENERGY ASSISTANCE PROGRAM STUDY.** The chairpersons of the joint committee on finance shall appoint a subcommittee of the joint committee on finance to review options available for the use of federal energy assistance program funds. The subcommittee shall recommend use of the funds to the joint committee on finance and to the governor on or before October 1, 1980.

(4) **WEATHERIZATION STUDY.** The legislative council is requested to conduct a study of the effect of home heating and weatherization loan, grant and direct service programs on the needs of low- and moderate-income households and report its findings to the legislature by January 1, 1981. The study would include, without limitation because of enumeration:

(a) The number and annual household income of recipients of loans, grants and direct services.

(b) The number of applicants found ineligible for loans, grants and direct services, their household income and the reason each applicant was found ineligible.

(5) **LEGISLATIVE AUDIT BUREAU STUDY OF TAX INCREMENTAL FINANCING.** The legislative audit bureau shall conduct a study and report to the legislature on or before January 15, 1981, on the uses by municipalities of tax incremental financing. The bureau shall include in the report an evaluation of the conformity of uses by municipalities of tax incremental financing with statutory provisions and with the legislative intent of promoting urban renewal and redevelopment.

(6) **LEGISLATIVE AUDIT BUREAU; WASTE OIL RECYCLING PERFORMANCE EVALUATION AND REPORT.** The legislative audit bureau shall conduct a performance evaluation study of the waste oil recycling program under section 144.48 of the statutes, as created by this act. The legislative audit bureau shall report its findings, conclusions, including its conclusion concerning whether the program is good public policy, and any recommendations for legislation to the governor and the legislature by March 1, 1983.

(7) **VENTILATION STUDY.** The legislative council shall study the desirability and feasibility of enacting a tax credit for the installation of energy-saving ventilation equipment in new and existing public buildings and places of employment. The legislative council shall submit its findings to the 1981 legislature when it convenes.

SECTION 2035. Nonstatutory provisions; local affairs and development.

(1) **MANAGEMENT SERVICES.** The authorized FTE positions for the department of local affairs and development are decreased by 3.0 PRO positions on the effective date of this act, to be taken from the appropriation under section 20.545 (1) (k) of the statutes, as affected by the laws of 1979, to offset the creation of 3.0 field staff positions for the upper great lakes regional commission.

(2) **COMMUNITY DEVELOPMENT BLOCK GRANT STAFF CONSOLIDATION.** The authorized FTE positions for the department of local affairs and development are increased by 2.0 FED positions on the effective date of this act, to be funded from the appropriation under section 20.545 (1) (m) of the statutes, as affected by the laws of 1979, to allow for the consolidation of the community development block grant staff within the department.

(3) **ASSISTANCE TO WISCONSIN LOCALITIES PROGRAM.** The authorized FTE positions for the department of local affairs and development are decreased by 2.0 FED positions on the effective date of this act, to be taken from the appropriation under section 20.545 (2) (m) of the statutes, as affected by the laws of 1979, to allow for the consolidation of the community development block grant staff in the assistance to Wisconsin localities program.

(4) **RENTAL ASSISTANCE PROGRAM.** The authorized FTE positions for the department of local affairs and development are increased by 4.0 FED positions on July 1, 1980, to be funded from the appropriation under section 20.545 (2) (m) of the statutes, as affected by the laws of 1979, to assist local agencies in the administration of a rental assistance program in existing housing under section 8 of the federal housing act of 1937, as amended.

(5) **HAZARDOUS MATERIALS PROGRAM.** The authorized FTE positions for the department of local affairs and development are increased by 1.5 FED positions on the effective date of this act, to be funded from the appropriation under section 20.545 (3) (m) of the statutes, as affected by the laws of 1979, to operate a hazardous materials program funded by the federal government.

(6) **UPPER GREAT LAKES REGIONAL COMMISSION FIELD OFFICES.** The authorized FTE positions for the department of local affairs and development are increased by 3.0 FED positions on the effective date of this act, to be funded from the appropriation under

section 20.545 (4) (m) of the statutes, as affected by the laws of 1979, to staff 3 field offices for the Upper Great Lakes regional commission.

SECTION 2037. Nonstatutory provisions; military affairs.

(1) ASSISTANT ADJUTANT GENERAL FOR AIR OPERATIONS OFFSET. The authorized FTE positions for the department of military affairs are decreased by 1.0 FED position on July 1, 1980, to be taken from the appropriation under section 20.465 (1) (m) of the statutes, as affected by the laws of 1979, to offset, in part, establishment of an assistant adjutant general for air operations position.

SECTION 2039. Nonstatutory provisions; natural resources.

(1) HAYWARD NURSERY. The department of natural resources may purchase lands located within the Chequamegon national forest from the board of commissioners of public lands at fair market value. The department may exchange these lands for lands of equal value located in Sawyer county and known as the Hayward nursery owned by the U.S. government.

(3) OCONTO RIVER RESTORATION PROJECT. The authorized FTE positions for the department of natural resources are increased by 2.0 PRO project positions on the effective date of this act, to be funded from the appropriation under section 20.370 (2) (bj) of the statutes, as created by this act, to carry out the objectives of the Oconto river restoration project resulting from litigation with the Scott Paper Company.

(4) POSITION FUNDING TRANSFER. The authorized FTE positions for the department of natural resources are increased by .08 GPR position on the effective date of this act, to be funded from the appropriation under section 20.370 (1) (ea) of the statutes, as affected by the laws of 1979, to correctly align positions with their appropriate budget and administrative centers.

(5) POSITION FUNDING TRANSFER; ERROR CORRECTION. The authorized FTE positions for the department of natural resources are decreased by 1.26 SEG positions on the effective date of this act, to be taken from the appropriation under section 20.370 (1) (mu) of the statutes, as affected by the laws of 1979, to correctly align positions with their appropriate budget and administrative centers and to eliminate 1.18 forestry positions authorized in error in the 1979-81 biennial budget process.

(6) BRULE RIVER STUDY. The authorized FTE positions for the department of natural resources are increased by 1.0 FED project position on the effective date of this act, to be funded from the appropriation under section 20.370 (1) (my) of the statutes, as affected by the laws of 1979, to carry out the Brule river study.

(7) LAND RECORDS DATA IMPROVEMENT. The authorized FTE positions for the department of natural resources are increased by 0.5 FED position on the effective date of this act, to be funded from the appropriation under section 20.370 (1) (my) of the statutes, as affected by the laws of 1979, to update and improve land records data to meet the requirements of federal grant programs for land acquisition.

(8) COOPERATIVE FISHERY PROGRAM. The authorized FTE positions for the department of natural resources are increased by 2.0 FED project positions on the effective date of this act, to be funded from the appropriation under section 20.370 (1) (my) of the statutes, as affected by the laws of 1979, to carry out cooperative fishery programs in the national forests in this state.

(9) WATER QUALITY PLANNING. The authorized FTE positions for the department of natural resources are increased by 2.0 FED project positions on the effective date of this act, to be funded from the appropriation under section 20.370 (2) (mm) of the statutes, as affected by the laws of 1979, to assist in the preparation of water quality plans required by sections 208 and 303 (e) of the federal water pollution control act amendments of 1972, P.L. 92-500.

(10) **POSITION FUNDING TRANSFER.** The authorized FTE positions for the department of natural resources are decreased by 3.5 FED positions on July 1, 1980, to be taken from the appropriation under section 20.370 (2) (mm) of the statutes, as affected by the laws of 1979, to correctly align positions with their appropriate budget and administrative centers.

(11) **NONPOINT SOURCE POLLUTION PROGRAM.** The authorized FTE positions for the department of natural resources are increased by 2.0 FED positions on the effective date of this act, to be funded from the appropriation under section 20.370 (2) (mm) of the statutes, as affected by the laws of 1979, to carry out the nonpoint source pollution control activities required under section 208 of the federal water pollution control act amendments, P.L. 92-500.

(12) **URBAN RUNOFF PROGRAM.** The authorized FTE positions for the department of natural resources are increased by 4.0 FED project positions on the effective date of this act, to be funded from the appropriation under section 20.370 (2) (mm) of the statutes, as affected by the laws of 1979, to carry out the objectives of the nationwide urban runoff program.

(13) **ACID RAIN STUDY.** The authorized FTE positions for the department of natural resources are increased by 1.0 FED project position on the effective date of this act, to be funded from the appropriation under section 20.370 (2) (mm) of the statutes, as affected by the laws of 1979, to carry out a study of the effects of land use and acid rain on lake water quality.

(14) **INLAND LAKE RENEWAL TECHNICAL ASSISTANCE.** The authorized FTE positions for the department of natural resources are increased by 1.0 FED position on the effective date of this act, to be funded from the appropriation under section 20.370 (2) (mm) of the statutes, as affected by the laws of 1979, to provide technical assistance to public inland lake protection and rehabilitation districts as part of the inland lake renewal program.

(15) **ENVIRONMENTAL ENFORCEMENT PROGRAM.** The authorized FTE positions for the department of natural resources are increased by 1.0 FED project position on the effective date of this act, to be funded from the appropriation under section 20.370 (2) (mm) of the statutes, as affected by the laws of 1979, for the environmental enforcement program.

(16) **SOLID WASTE MANAGEMENT PROGRAM.** The authorized FTE positions for the department of natural resources are increased by 7.0 FED positions on July 1, 1980, to be funded from the appropriation under section 20.370 (2) (mm) of the statutes, as affected by the laws of 1979, to assist in the implementation of the state solid waste management program.

(17) **FEDERAL SAFE DRINKING WATER PROGRAM.** The authorized FTE positions for the department of natural resources are increased by 9.0 FED positions on the effective date of this act, to be funded from the appropriation under section 20.370 (2) (mm) of the statutes, as affected by the laws of 1979, to assist in implementing the federal safe drinking water act of 1974, 42 USC 300f to 300j-10.

(18) **WATER PRETREATMENT PROGRAM.** The authorized FTE positions for the department of natural resources are increased by 4.0 FED positions on the effective date of this act, to be funded from the appropriation under section 20.370 (2) (mm) of the statutes, as affected by the laws of 1979, to assist in the implementation of this state's pre-treatment program mandated by the federal water pollution control act amendments, P.L. 92-500.

(19) **COASTAL ZONE MANAGEMENT PROGRAM.** The authorized FTE positions for the department of natural resources are increased by 1.0 FED position and by 4.0 FED project positions on the effective date of this act, to be funded from the appropriation under

section 20.370 (3) (mm) of the statutes, as affected by the laws of 1979, to staff the coastal zone management program.

(20) DAM INVENTORY AND INSPECTION. The authorized FTE positions for the department of natural resources are increased by 2.0 FED project positions on the effective date of this act, to be funded from the appropriation under section 20.370 (3) (mm) of the statutes, as affected by the laws of 1979, to assist in the federal dam inventory and inspection program.

(21) POSITION FUNDING TRANSFER. The authorized FTE positions for the department of natural resources are increased by 1.0 FED position on July 1, 1980, to be funded from the appropriation under section 20.370 (4) (im) of the statutes, as affected by the laws of 1979, to more accurately reflect federal indirect funding of budget and administrative cost centers.

(22) LAND RECORDS DATA PROGRAM. The authorized FTE positions for the department of natural resources are increased by 0.5 FED position on the effective date of this act, to be funded from the appropriation under section 20.370 (4) (iy) of the statutes, as affected by the laws of 1979, to update and improve land records data to meet the requirements of federal grant programs for land acquisition.

(23) POSITION FUNDING TRANSFER. The authorized FTE positions for the department of natural resources are decreased by 1.0 FED position on July 1, 1980, to be taken from the appropriation under section 20.370 (8) (mm) of the statutes, as affected by the laws of 1979, to correctly align positions with their appropriate budget and administrative centers.

(24) UPPER MISSISSIPPI MASTER PLAN DEVELOPMENT. The authorized FTE positions for the department of natural resources are increased by 4.0 FED project positions on July 1, 1980, to be funded from the appropriation under section 20.370 (8) (mm) of the statutes, as affected by the laws of 1979, to develop a master plan for the upper Mississippi river system.

(25) AIR MANAGEMENT SUBPROGRAM — LEGAL SERVICES. The authorized FTE positions for the department of natural resources are increased by 1.0 FED position on the effective date of this act, to be funded from the appropriation under section 20.370 (8) (my) of the statutes, as affected by the laws of 1979, to provide legal services for the air management subprogram.

(26) DEPARTMENTAL PURCHASING. The authorized FTE positions for the department of natural resources are increased by 1.0 FED position on the effective date of this act, to be funded from the appropriation under section 20.370 (8) (my) of the statutes, as affected by the laws of 1979, to assist in purchasing functions delegated to the department by the federal government.

(27) AIR MANAGEMENT SUBPROGRAM — GRAPHIC ARTIST SERVICES. The authorized FTE positions for the department of natural resources are increased by 0.5 FED position on the effective date of this act, to be funded from the appropriation under section 20.370 (8) (my) of the statutes, as affected by the laws of 1979, to provide graphic artist services for the air management subprogram.

(28) CIVIL SERVICE EXAMINATION ADMINISTRATION. The authorized FTE positions for the department of natural resources are increased by 1.0 FED position on the effective date of this act, to be funded from the appropriation under section 20.370 (8) (my) of the statutes, as affected by the laws of 1979, to provide a personnel assistant to assist in the civil service examination process for the department.

(29) ENVIRONMENTAL LIBRARY SERVICES. The authorized FTE positions for the department of natural resources are increased by 1.0 FED project position on the effective date of this act, to be funded from the appropriation under section 20.370 (8) (my) of the

statutes, as affected by the laws of 1979; to provide for a librarian to support the environmental aspects of the department's library.

(30) POSITION FUNDING TRANSFER. The authorized FTE positions for the department of natural resources are increased by 4.5 FED positions on July 1, 1980, to be funded from the appropriation under section 20.370 (8) (my) of the statutes, as affected by the laws of 1979, to correctly align positions with their appropriate budget and administrative centers.

(31) POSITION FUNDING TRANSFER. The authorized FTE positions for the department of natural resources are decreased by 1.0 FED position on July 1, 1980, to be taken from the appropriation under section 20.370 (8) (my) of the statutes, as affected by the laws of 1979, to more accurately reflect federal indirect funding of budget and administrative cost centers.

(32) NONPOINT SOURCE POLLUTION ABATEMENT PROGRAM IMPLEMENTATION. In fiscal year 1980-81, the department of natural resources shall ensure that all cost-sharing grants available under section 20.370 (4) (cc) of the statutes are utilized in selected priority watersheds and shall allocate up to \$400,000 of these grants for one or 2 new watershed projects. In addition to implementation plans for watersheds utilizing state cost-share grants, the department shall begin implementation plans for 2 new watershed projects in fiscal year 1980-81 to ensure eligibility for federal funding.

(33) POSITION TRANSFER; REASSIGNMENT OF FISH MANAGEMENT POSITIONS. (a) The authorized FTE positions for the department of natural resources are increased by 2.0 SEG positions on July 1, 1980, to be funded from the appropriation under section 20.370 (1) (kv) of the statutes, as affected by the laws of 1979, to transfer fish management positions from hatchery operations to trout habitat improvement.

(b) The authorized FTE positions for the department of natural resources are decreased by 2.0 SEG positions on July 1, 1980, to be taken from the appropriation under section 20.370 (1) (mu) of the statutes, as affected by the laws of 1979, to transfer fish management positions from hatchery operations to trout habitat improvement.

(34) ARTIFICIAL LAKE AIDS. The action by the soil and water conservation district of Crawford county to cancel its plan for an artificial lake creation project releases the state from its commitment to provide matching funds from the appropriation under section 20.370 (1) (do), 1971 stats. The encumbrance of \$64,800 under that appropriation is eliminated and those funds lapse to the general fund.

(35) WETLAND MAPPING POSITIONS. The authorized FTE positions for the department of natural resources are increased by 7.0 GPR 3-year project positions on the effective date of this act, to be funded from the appropriation under section 20.370 (2) (ab) of the statutes, as affected by the laws of 1979, to provide wetland mapping services.

(36) POSITION TRANSFER TO REFLECT REPLACEMENT OF FEDERAL FOREST FIRE CONTROL FUNDS. The authorized FTE positions for the department of natural resources are decreased by 3.0 FED positions on the effective date of this act and by 27.0 FED positions on July 1, 1980, to be taken from the appropriation under section 20.370 (1) (my) of the statutes, as affected by the laws of 1979, to reflect decreased federal funds for forest fire control functions.

(37) NONTOXIC SHOT ~~STUDY~~. Under its authority under section 227.017 of the statutes, as affected by chapter 34, laws of 1979, the department of natural resources shall appoint a toxic shot evaluation committee consisting of interested citizens and hunters to advise it with respect to administrative rules concerning the use of toxic shot. With the assistance of the toxic shot evaluation committee the department of natural resources shall ~~conduct a study to~~ determine where requirements for nontoxic shot are needed and to determine areas where incidents of toxic shot contamination have occurred. The department shall report ~~its findings and~~ any proposed rules regulating the use of toxic shot during the 1981 hunting season to the legislature on or before January 1, 1981.

Vetoed
in Part

(38) LEAD SHOT; USE PERMITTED UNTIL 1981 EXCEPT IN HORICON MARSH AREA. (a) Except as provided under paragraph (b), the department of natural resources may not prohibit or restrict the possession or use of a shotgun loaded with lead shot or any other metal shot to hunt, take, kill, catch or pursue migratory game birds until after January 1, 1981.

(b) 1. The department of natural resources may prohibit or restrict the possession or use of a shotgun loaded with any metal other than steel shot to hunt, take, kill, catch or pursue migratory game birds within the nontoxic shot zone for the Horicon area. The nontoxic shot zone for the Horicon area consists of waters specified under subdivision 2 and the border areas specified under subdivision 3 located wholly or in part within the Horicon zone as described under Wis. Adm. code NR 10.01 (1) (j).

2. As used in this subsection, "waters" include all lakes, ponds, marshes, swamps, rivers and seasonally flooded areas of all types but excluding drainage ditches and temporary sheet water.

3. As used in this subsection, "border area" means a 150-yard zone of land adjacent to the margin of any water specified under subdivision 2.

SECTION 2043. Nonstatutory provisions; public instruction.

Vetoed in Part (1) REPORT ON HANDICAPPED EDUCATION FINANCING. The department of public instruction, the department of administration and the legislative fiscal bureau shall jointly prepare and submit a report to the governor, the joint committee on finance and the standing education committees of the legislature by October 1, 1980, on the fiscal effect of an excess cost sharing formula for handicapped education which is consistent with the concepts and methodologies utilized in the reports submitted pursuant to chapter 29, laws of 1977, section 161.7z and chapter 34, laws of 1979, section 2043 (1). The report shall include recommendations for possible modifications and refinements to the formula under section 115.88 of the statutes, as created by this act, for consideration by the governor and the legislature during the 1981-83 legislative session.

(3) VOCATIONAL EDUCATION DATA SYSTEM. The authorized FTE positions for the department of public instruction are increased by 3.5 FED positions on the effective date of this act, to be funded from the appropriation under section 20.255 (1) (m) of the statutes, as affected by the laws of 1979, to provide personnel to implement the federal requirement for a vocational education data system.

(4) SCHOOL FOOD SERVICE ADMINISTRATION. The authorized FTE positions for the department of public instruction are increased by 5.0 FED positions on July 1, 1980, to be funded from the appropriation under section 20.255 (1) (m) of the statutes, as affected by the laws of 1979, to comply with federal child nutrition administrative regulations.

(5) SEX DESEGREGATION PROGRAM. The authorized FTE positions for the department of public instruction are increased by 2.5 FED positions on July 1, 1980, to be funded from the appropriation under 20.255 (1) (m) of the statutes, as affected by the laws of 1979, to reflect the conversion of limited term employes to project employes in the federal sex desegregation program.

(6) STATE AGENCY LIBRARY PROCESSING CENTER. The authorized FTE positions for the department of public instruction are increased by 2.0 PRO positions on July 1, 1980, to be funded from the appropriation under section 20.255 (3) (h) of the statutes, as affected by the laws of 1979, in order to establish a state agency library processing center.

(7) MANAGEMENT INFORMATION SYSTEM FOR HANDICAPPED EDUCATION. The division for handicapped children in the department of public instruction shall include a status report on the development of a management information system for handicapped education programs in the department's 1981-83 biennial budget submission.

(8) SPECIAL EDUCATIONAL NEEDS. For school year 1980-81, the state superintendent of public instruction shall approve funding for programs to serve children with special educational needs, under section 115.92 of the statutes, only for programs which are eligible for their 3rd year of funding.

(9) CONTINGENCY PLAN FOR DISTRIBUTION OF FEDERAL REVENUE SHARING FUNDS.

(a) On October 15, 1980, the department of administration shall report to the joint committee on finance the actual 1979-80 condition of the general purpose revenue and local tax revenue portion of the state general fund, the estimated June 30, 1981, balance of the general purpose revenue and local tax revenue portion of the state general fund and the amount of unrestricted federal revenue sharing, and interest thereon, anticipated to be received by this state for fiscal year 1980-81.

(b) If the joint committee on finance determines that the U.S. congress will reauthorize the state and local fiscal assistance act of 1972 (P.L. 92-512), as amended by P.L. 94-488, for federal fiscal years commencing after September 30, 1980, or if the joint committee on finance determines that the U.S. congress will adopt legislation similar to the state and local fiscal assistance act, the following plan shall be implemented:

1. Upon receipt of the report under paragraph (a), the joint committee on finance shall approve an estimate of the amounts under subparagraphs a and b and then subtract the amount estimated under subparagraph b from the amount estimated under subparagraph a.

a. The amount of unrestricted federal revenue sharing, and interest thereon, anticipated to be received by this state for fiscal year 1980-81 which is in excess of the amount under section 20.255 (1) (cd) of the statutes, as affected by the laws of 1979.

b. The amount necessary to ensure a positive balance in the general purpose revenue and local tax revenue portion of the state general fund on June 30, 1981.

2. If the amount determined under subdivision 1 is a positive number, the joint committee on finance shall direct the state superintendent of public instruction to:

a. Estimate the amount which would be expended in fiscal year 1980-81 under section 20.255 (1) (cc) of the statutes, as affected by the laws of 1979, utilizing the primary guaranteed valuation per member under section 121.07 (7) (a) of the statutes, as affected by chapters 34 and (this act), laws of 1979;

b. Increase the amount under subparagraph a or the amount under section 20.255 (1) (cc) of the statutes, as affected by the laws of 1979, whichever is less, by the amount determined under subdivision 1.

c. Estimate the increase in the 1980-81 fiscal year primary guaranteed valuation per member, rounded to the nearest \$100, necessary to distribute the additional amounts under subparagraph b as general equalization aid;

d. Using the primary guaranteed valuation per member under subparagraph c, estimate the general equalization aid supplement for each school district by subtracting the amount determined under subparagraph a from the amount determined under subparagraph b;

e. Submit a report to the joint committee on finance by October 31, 1980, on the estimates determined under this subdivision.

3. Upon approval of the report under subdivision 2, the joint committee on finance shall direct the department of administration to adjust, under section 20.004 of the statutes, the appropriation under section 20.255 (1) (cc) of the statutes, as affected by the laws of 1979, as determined by the committee and direct the revisor of statutes to increase the primary guaranteed valuation per member under section 121.07 (7) (a) of the statutes, as affected by chapters 34 and (this act), laws of 1979, for fiscal year 1980-81 as determined by the committee.

(c) The state superintendent shall notify each school board of any additional aid which the school district will receive under this subsection.

(d) If a school board receives notification under paragraph (c), it shall direct each appropriate municipal clerk to reduce the 1980 property tax levy for the school district by an amount identical to the aid increase under this subsection and inform the residents of the school district of this levy reduction through publication of a class 1 notice under chapter 985 of the statutes.

(e) Notwithstanding the date provided by statute, in 1980 the school district clerk or school board of each school district shall submit its certified statement of the amount to be raised by taxation, or amount requested, for the operation of the schools of the district to the appropriate common council or municipal clerks no later than November 14, 1980. The statement shall be based upon the information received by the school board under paragraph (c).

SECTION 2044. Nonstatutory provisions; public service commission.

(1) **GAS CONSERVATION MONITORING.** The authorized FTE positions for the public service commission are increased by 1.0 PRO position on July 1, 1980, to be funded from the appropriation under section 20.155 (1) (g) of the statutes, as affected by the laws of 1979, to monitor implementation and effectiveness of the gas and electric conservation programs of the large utilities.

(2) **ON-SITE CONSTRUCTION AUDITS.** The authorized FTE positions for the public service commission are increased by 1.0 PRO position on July 1, 1980, to be funded from the appropriation under section 20.155 (1) (g) of the statutes, as affected by the laws of 1979, to conduct on-site construction audits of new electric generating plants.

SECTION 2045. Nonstatutory provisions; regulation and licensing.

(1) **ATHLETIC EXAMINING BOARD.** (a) *Personnel and property.* All personnel positions, property and records of the athletic examining board are transferred to the department of regulation and licensing on July 1, 1980.

(b) *Rules.* All rules and orders of the athletic examining board in effect on July 1, 1980, shall become rules and orders of the department of regulation and licensing until modified or rescinded by the department.

(c) *Actions and proceedings.* All administrative and adjudicative actions and proceedings by or against the athletic examining board pending on July 1, 1980, shall be treated as actions and proceedings by or against the department of regulation and licensing.

(2) **COSMETOLOGY INSPECTION.** The authorized FTE positions for the department of regulation and licensing are decreased by 1.0 PRO position on July 1, 1980, to reflect the deletion of a cosmetology inspector position.

SECTION 2046. Nonstatutory provisions; revenue.

(1) **INCOME TAXATION OF MARRIED PERSONS.** The department of revenue shall develop a state joint income tax return for married persons and shall prepare several alternative joint return tax rate schedules, including schedules that would create a minimal effect upon state revenues, a moderate loss of state revenues and a moderate increase in state revenues. In addition, the department of revenue shall prepare several proposals for earned income credits as an option for individuals on the joint tax return. The proposed joint tax return, the alternative tax rate schedules and the earned income credit proposals shall be submitted to the joint committee on finance by January 1, 1981, with tax incidence data by income brackets, number of earned income earners per married couple and the amount of earned income in relation to unearned income.

(2) **BIENNIAL REPORT ON TAX EXEMPTION DEVICES.** The department of revenue shall prepare and transmit to the joint committee on finance no later than December 1, 1980, study proposals for, and estimates of the cost of, quantifying tax benefits received by

private real property owners due to tax exemption devices specified in chapter 70 of the statutes.

(3) **TAX INCREMENTAL FINANCING.** The department of revenue may continue to authorize allocation of the annual tax increments for any tax incremental district accruing tax increments on the effective date of this act without a project plan approved under section 66.46 (4) (g) of the statutes for up to 5 years from the effective date of this act or up to 15 years after the last expenditure identified in the project plan is made, whichever is earlier, unless:

(a) The city or village fails to request the continuation from the department of revenue on or before the first day of the 6th month commencing after the effective date of this act; and

(b) The city or village fails to submit an approved project plan to the department of revenue for its review and recommendation under section 66.46 (6) (a) of the statutes, as created by this act, on or before the first day of the 6th month commencing after the effective date of this act.

SECTION 2048. Nonstatutory provisions; secretary of state.

(1) **CORPORATION WORKLOAD.** The authorized FTE positions for the secretary of state are increased by 3.0 PRO positions on July 1, 1980, to be funded from the appropriation under section 20.575 (1) (g) of the statutes, as affected by the laws of 1979, and by 1.0 PRO position on July 1, 1980, to be funded from the appropriation under section 20.575 (1) (h) of the statutes, as affected by the laws of 1979, for corporation division workload and new services mandated in the laws of the 1979 session of the legislature.

(2) **ANNUAL REPORT FEES.** During calendar year 1981 a domestic corporation or cooperative filing an annual report with the secretary of state shall pay, in addition to the fee required by section 180.87 (1) (p) or 185.83 (1) (e) of the statutes, the following fee:

(a) \$2.50, if the anniversary of the filing of the corporation's or cooperative's articles of incorporation with the secretary of state occurs after March 31 and prior to July 1, 1981.

(b) \$5, if the anniversary date occurs after June 30 and prior to October 1, 1981.

(c) \$7.50, if the anniversary date occurs after September 30, 1981, and prior to January 1, 1982.

SECTION 2051. Nonstatutory provisions; supreme court.

(1) **PUBLICATION POSITION.** The authorized FTE positions for the supreme court are increased by 1.0 GPR position on the effective date of this act, to be funded from the appropriation under 20.680 (1) (a) of the statutes, as affected by the laws of 1979, to reflect the continuation of an administration assistant position which was indicated to have been deleted in chapter 34, laws of 1979.

(2) **CHIEF JUDGE CLERICAL POSITIONS.** The authorized FTE positions for the supreme court are increased by 4.0 GPR positions on July 1, 1980, to be funded from the appropriation under section 20.680 (2) (a) of the statutes, as affected by the laws of 1979, to reflect the transfer of chief judge clerical positions from the supplies and services budget for circuit courts to the supreme court.

SECTION 2052. Nonstatutory provisions; transportation.

~~(3) **SPECIFIC INFORMATION SIGNS.** Not later than 9 months after the effective date of this act, the department of transportation shall submit a report to the legislature on the department's administration of section 86.195 of the statutes, as created by this act. The report shall include the number of persons requesting signs, the administrative costs associated with the program and the need to adjust the number of positions authorized for the program by this act.~~

Vetoed
in Part

(4) **TRAFFIC VIOLATION AND REGISTRATION PROGRAM.** The city of Milwaukee shall pay to the department of transportation on July 1, 1980, an amount equal to the dollar amount in the schedule under section 20.005 of the statutes for the appropriation under section 20.395 (5) (fq) of the statutes, as affected by this act, for the 1980-81 fiscal year.

Vetoed in Part (5) **RIDE-SHARING.** From the appropriation under section 20.395 (5) (bg) of the statutes, as affected by chapter 34, laws of 1979, the department of transportation is authorized to fill 5.0 full-time permanent positions for fiscal year 1980-81 for administration of the ride-sharing program under section 85.075 of the statutes, as created by this act.

Vetoed in Part (6) **SPEED LIMIT ENFORCEMENT.** From the appropriation under section 20.395 (5) (cq) of the statutes, as affected by chapter 34, laws of 1979, the department of transportation is authorized to fill 4.5 full-time permanent positions for fiscal year 1980-81 for administration of the demerit point assessment program under section 343.32 (2) of the statutes, as affected by this act.

(7) **OVERSIZE AND OVERWEIGHT PERMIT FEES.** The department of transportation shall study the procedure and the fees charged for issuing oversize and overweight vehicle permits under sections 348.26 and 348.27 of the statutes. The department shall report its findings to the legislature by January 1, 1981. The report shall include a proposed fee schedule which establishes an equitable system of fees for the issuance of oversize and overweight vehicle permits based on the permits currently issued under sections 348.26 and 348.27 of the statutes.

SECTION 2054. Nonstatutory provisions; university of Wisconsin system.

(1) **FEDERAL POSITIONS.** The authorized FTE positions for the university of Wisconsin system are increased by 275.98 FED positions on the effective date of this act, to be funded from the appropriation under section 20.285 (1) (m) of the statutes, as affected by the laws of 1979, for the purpose of performing research and other federally supported activities.

(2) **PROGRAM REVENUE POSITION REESTIMATE.** The authorized FTE positions for the university of Wisconsin system are increased by 14.17 PRO positions on the effective date of this act, to be funded from the appropriation under section 20.285 (1) (g) of the statutes, as affected by the laws of 1979, for auxiliary service activities supported by program revenue.

(3) **PROGRAM REVENUE POSITION REESTIMATE.** The authorized FTE positions for the university of Wisconsin system are increased by 172.75 PRO positions on the effective date of this act, to be funded from the appropriation under section 20.285 (1) (h) of the statutes, as affected by the laws of 1979, for auxiliary service activities supported by program revenue.

(4) **PROGRAM REVENUE POSITION REESTIMATE.** The authorized FTE positions for the university of Wisconsin system are increased by 14.28 PRO positions on the effective date of this act, to be funded from the appropriation under section 20.285 (1) (ha) of the statutes, as affected by the laws of 1979, for auxiliary service activities supported by program revenue.

(5) **PROGRAM REVENUE POSITION REESTIMATE.** The authorized FTE positions for the university of Wisconsin system are increased by 38.69 PRO positions on the effective date of this act, to be funded from the appropriations under section 20.285 (1) (j) of the statutes, as affected by the laws of 1979, for auxiliary service activities supported by program revenue.

(6) **PROGRAM REVENUE POSITION REESTIMATE.** The authorized FTE positions for the university of Wisconsin system are increased by 8.67 PRO positions on the effective date of this act, to be funded from the appropriation under section 20.285 (1) (iz) of the

statutes, as affected by the laws of 1979, for auxiliary service activities supported by program revenue.

(7m) PROGRAM REVENUE POSITION REESTIMATE. The authorized FTE positions for the university of Wisconsin system funded from the appropriation under section 20.285 (1) (kb) of the statutes, as affected by the laws of 1979, are decreased by 73.26 PRO positions on the effective date of this act to reflect reestimates of position requirements.

(8) PROGRAM REVENUE POSITION REESTIMATE. The authorized FTE positions for the university of Wisconsin system are increased 0.5 PRO position on July 1, 1980, to be funded from the appropriation under section 20.285 (1) (iz) of the statutes, as affected by the laws of 1979, to provide for office of rural health support.

(9) PROGRAM AUTHORIZATION. Of the amounts appropriated to the university of Wisconsin system under section 20.285 (1) (a) of the statutes, the board of regents of the university of Wisconsin system may transfer \$50,600 from the university of Wisconsin-Marshfield physician's assistants program to a university of Wisconsin-Eau Claire baccalaureate degree completion program in nursing to be located in the Marshfield area.

~~(10) STUDY, DEMONSTRATION PROJECT. (a) No later than September 1, 1980, the college of agricultural and life sciences of the university of Wisconsin-Madison shall submit to the appropriate committees of the legislature and the building commission a final report on a feasibility study of an applied research and demonstration project related to energy conservation and renewable energy resources to be located at one or more university of Wisconsin system agricultural demonstration stations. The purpose of such project shall be to serve as a research facility, to demonstrate alternative energy methods and to serve as a model for other agricultural demonstration stations. In its report, the college shall describe its findings in regard to establishing the project, at what stations it should be located and the amount of funding required.~~ Vetoed
in Part

~~(b) Of the \$765,000 available from the financing authority under chapter 34, laws of 1979, section 2006m (1) (k) for alternative energy resource demonstration projects, \$5,000 shall be used before September 1, 1980, to fund the feasibility study under paragraph (a).~~

~~(11) CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH. Funding provided under section 20.285 (1) (s) of the statutes for fiscal year 1980-81 may not be released without the approval of the joint committee on finance. The grants committee created under section 146.90 (3) of the statutes shall request release of funding from the committee.~~ Vetoed
in Part

~~(12) EXTENSION ENERGY SERVICE. From the appropriation under section 20.285 (1) (a) of the statutes, as affected by the laws of 1979, 3 full-time permanent positions in the university of Wisconsin system are authorized for the university of Wisconsin system extension energy service program.~~ Vetoed
in Part

(13) RADIATION MONITORING. The authorized FTE positions for the university of Wisconsin system are increased by 1.0 PRO positions on July 1, 1980, to be funded from the appropriation under section 20.285 (1) (i) of the statutes, as affected by the laws of 1979, for the purposes of providing laboratory services at the state laboratory of hygiene related to monitoring of nuclear power plants under section 140.61 of the statutes, as created by this act.

SECTION 2056. Nonstatutory provisions; veterans affairs.

(1) VETERANS HOME STAFFING. The authorized FTE positions for the department of veterans affairs are increased by 1.0 PRO position on July 1, 1980, to be funded from the appropriation under section 20.485 (1) (k) of the statutes, as affected by the laws of 1979 to provide for the services of an occupational therapist at the Wisconsin veterans home.

SECTION 2057. Nonstatutory provisions; vocational, technical and adult education.

(1) **EVALUATION OF EDUCATIONAL PROGRAMS.** The authorized FTE positions for the board of vocational, technical and adult education are increased by 0.5 FED position on the effective date of this act and by an additional 0.5 FED position on July 1, 1980, to be funded from the appropriation under section 20.292 (1) (m) of the statutes, as affected by the laws of 1979, for the purpose of carrying out a federally-mandated evaluation of educational programs.

(2) **BASIC SKILLS ASSESSMENT PROJECT.** The authorized FTE positions for the board of vocational, technical and adult education are increased by 2.0 PRO project positions on July 1, 1980, to be funded from the appropriation under section 20.292 (1) (kb) of the statutes, as affected by the laws of 1979, to provide personnel for a study of basic skills needs among job seekers.

(3) **RESERVE FUND REPORT.** The board of vocational, technical and adult education shall submit a report to the joint committee on finance by January 1, 1981, on the development of guidelines related to the appropriate utilization of reserve funds, generated from property tax revenues and investment earnings on those revenues, consistent with the provisions of sections 38.04 (10) and 38.15 of the statutes. The guidelines related to reserve funds shall address the source and size of funds, the specified use of funds and policies related to the transfer of reserve funds and carry-over balances in reserve funds.

SECTION 2058. Nonstatutory provisions; other.

(1) **PERSONAL USE OF STATE-OWNED VEHICLES AND AIRCRAFT.** The provision for an appropriation to deposit vehicle and aircraft receipts under section 20.865 (5) (h) of the statutes, as created by this act, applies notwithstanding the treatment of section 11.37 of the statutes by chapter (Assembly Bill 603), laws of 1979.

(2) **HISTORIC PRESERVATION ORDINANCES IN 1ST CLASS CITIES.** The legislature finds that the preservation of cultural landmarks in 1st class cities is of statewide concern and that the enactment of historic preservation ordinances, as permitted by section 62.23 (7) (em) of the statutes, would enable the protection of these places, structures and other objects to further the health, safety and general welfare of all state residents.

(3) **MUNICIPAL MORTGAGE HOUSING ASSISTANCE.** The legislature finds that a decline in the proportion and stability of owner-occupied dwellings in neighborhoods is directly related to an increase in crime, blight and neighborhood instability and a decrease in property values. The legislature finds that the high mortgage rates currently available from private lending institutions impede any increase in the proportion or stability of owner-occupied dwellings in municipalities in highly populated counties. The legislature therefore declares that municipalities in counties with populations greater than 500,000 may validly promote the public good by issuing low-interest mortgage loans for owner-occupied housing and housing cooperatives and by financing the loans with mortgage revenue bonds and general obligation bonds under section 66.38 of the statutes, as created by this act. The legislature determines the issuance of these loans to be a public purpose for which money may be spent.

SECTION 2101. Appropriation changes; administration. For the department of administration:

(1) **BUS FARES FOR STATE EMPLOYEES.** There is transferred to the appropriation under section 20.505 (1) (a) of the statutes, as affected by the laws of 1979, for the 1980-81 fiscal year, that portion of the \$20,000 appropriated under section 20.505 (1) (a) of the statutes for the 1979-80 fiscal year for the purpose of contracting for bus fares for state employees at reduced cost under chapter 34, laws of 1979, section 2001 (7), which is unencumbered on June 30, 1980, to be used as the same purpose.

(4) **ADMINISTRATIVE RULES CLEARINGHOUSE.** The appropriation under section 20.505 (1) (a) of the statutes, as affected by the laws of 1979, is decreased by \$10,100 in fiscal year 1979-80 and by \$20,200 in fiscal year 1980-81 to delete 1.0 GPR position of the administrative rules clearinghouse staff in the department of administration.

(5) REALLOCATE POSITIONS IN STATE AGENCY SERVICES. The appropriation under section 20.505 (1) (a) of the statutes, as affected by the laws of 1979, is decreased by \$43,300 in fiscal year 1980-81 to eliminate funding from this appropriation for 1.8 GPR positions in fleet operations.

(6) REALLOCATE DATA ENTRY POSITION. The appropriation under section 20.505 (1) (a) of the statutes, as affected by the laws of 1979, is decreased by \$12,000 in fiscal year 1980-81 to eliminate funding from this appropriation for 1.0 GPR data entry position.

(7) SUPPLIES FOR DIVISION OF INTERNAL MANAGEMENT. The appropriation under section 20.505 (1) (a) of the statutes, as affected by the laws of 1979, is decreased by \$46,000 in fiscal year 1980-81 to decrease funding from this appropriation for supplies in the division of internal management.

(8) REALLOCATE POSITIONS IN DIVISION OF BUILDINGS AND GROUNDS. The appropriation under section 20.505 (1) (a) of the statutes, as affected by the laws of 1979, is decreased by \$66,100 in fiscal year 1979-80 and by \$66,100 in fiscal year 1980-81 to transfer funding of 2.0 GPR positions of the division of buildings and grounds administrative staff effective July 1, 1979.

(9) FUEL ALLOCATION STAFFING. The appropriation under section 20.505 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$73,300 in fiscal year 1980-81 to provide funding for 4.0 GPR project positions for the state fuel allocation program.

(10) SCHOOLS AND HOSPITALS. The appropriation under section 20.505 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$17,900 in fiscal year 1980-81 to provide funding for 0.5 GPR position for the schools and hospitals program.

(12) STATE PAYROLL SYSTEM. The appropriation under section 20.505 (1) (a) of the statutes, as affected by the laws of 1979, is decreased by \$200,000 in fiscal year 1979-80 and increased by \$100,000 in fiscal year 1980-81 to reallocate moneys for the modification of the state payroll system due to project delays.

~~(14) CONSERVATION EDUCATION. In fiscal year 1980-81, the department of administration shall use the moneys appropriated under section 20.505 (1) (dm) of the statutes, as created by this act, to support a project on in-service teacher training on energy resource conservation and a project on instruction on small business energy resource conservation in the university of Wisconsin system extension.~~ **Vetoed in Part**

~~(15) RIDE-SHARING. The appropriation under section 20.505 (1) (a) of the statutes, as affected by the laws of 1979, is increased in fiscal year 1980-81 by \$31,500 for administration of the state employe ride-sharing program under section 16.82 (5) of the statutes, as amended by this act. The department may not expend any of such increase if the department receives federal funds for such program.~~ **Vetoed in Part**

(16) ANEMOMETER LOAN PROGRAM. The appropriation under section 20.505 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$20,000 for the fiscal year 1980-81 to add one position and to administer the wind energy program under section 16.959 of the statutes, as created by this act.

SECTION 2103. Appropriation changes; agriculture, trade and consumer protection. For the department of agriculture, trade and consumer protection:

(1) CHANGED POSITION FUNDING. The appropriation under section 20.115 (2) (a) of the statutes, as affected by the laws of 1979, is decreased by \$12,100 in fiscal year 1980-81 to eliminate funding from this appropriation of 1.0 GPR position for clerical services in the animal health program.

~~(2) LANDLORD-TENANT POSITION. The appropriation under section 20.115 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$33,200 in 1980-1981 to fund 1.0 GPR 2-year project position to implement the residential rental practice rules.~~ **Vetoed in Part**

SECTION 2104. Appropriation changes; arts board. For the arts board:

(1) RENT INCREASE. The appropriation under section 20.215 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$5,900 in fiscal year 1980-81 to pay for increased rent on present office space.

SECTION 2106. Appropriation changes; building commission. For the building commission:

(1) BONDING FOR STATE FACILITIES. The appropriation under section 20.866 (2) (y) of the statutes, as affected by the laws of 1979, is increased by \$24,208,200 in fiscal year 1979-80 to provide additional general fund supported bond moneys for housing state departments and agencies.

SECTION 2107. Appropriation changes; business development. For the department of business development:

(1) WATS LINE CONTINUATION. The appropriation under section 20.135 (2) (a) of the statutes, as affected by the laws of 1979, is increased by \$33,500 in fiscal year 1980-81 for continuation of 2 toll-free WATS telephone lines in the division of tourism to respond to tourist information requests.

SECTION 2108. Appropriation changes; circuit courts. For the circuit courts:

(1) PERMANENT RESERVE JUDGE. The appropriation under section 20.625 (1) (b) of the statutes, as affected by the laws of 1979, is decreased by \$40,600 in fiscal year 1979-80 and by \$34,700 in fiscal year 1980-81 to eliminate funding and position authorization for ~~one (1) permanent reserve judge position.~~

Vetoed
in Part

SECTION 2111. Appropriation changes; educational communications board. For the educational communications board:

(1) WBAY TOWER RENTAL. The appropriation under section 20.225 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$24,000 in fiscal year 1980-81 to finance a new rental agreement to continue leasing space on a tower owned by WBAY (Green Bay).

(2) HEATING AND UTILITIES. The appropriation under section 20.225 (1) (a) of the statutes, as affected by the laws of 1979, is decreased by \$6,200 in fiscal year 1980-81 to eliminate funding from this appropriation for heating and utility costs for new translators.

(3) APPROPRIATION TRANSFER. There is transferred to the appropriation under section 20.225 (1) (a) of the statutes, as affected by the laws of 1979, from the appropriation under section 20.225 (1) (f) of the statutes, as affected by the laws of 1979, \$70,000 in fiscal year 1979-80 and \$70,000 in fiscal year 1980-81 to finance general program operations from the appropriation for general programming.

SECTION 2112. Appropriation changes; elections board. For the elections board:

(1) MICROFILMING CAMPAIGN RECORDS. The appropriation under section 20.510 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$6,000 in fiscal year 1979-80 and by \$7,000 in fiscal year 1980-81 for the microfilming of campaign registration and reporting documents.

SECTION 2114. Appropriation changes; employment relations commission. For the employment relations commission:

(1) COSTS TO CONTINUE SALARY ADJUSTMENT. The appropriation under section 20.425 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$27,200 in fiscal year 1979-80 and by \$41,000 in fiscal year 1980-81 to provide additional salary moneys necessary to continue present services at the present level.

SECTION 2115. Appropriation changes; employment relations department. For the department of employment relations:

(1) RECRUITMENT AND EVALUATION WORKLOAD. The appropriation under section 20.512 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$23,600 in fiscal year 1979-80 and by \$30,100 in fiscal year 1980-81 to enable the department to

cover cost increases related to unanticipated increases in civil service applications and related activities.

(2) **CLERICAL SUPPORT.** The appropriation under section 20.512 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$7,100 in fiscal year 1980-81 to provide funding for 0.5 GPR clerical position.

(3) **LEGAL SERVICES.** The appropriation under section 20.512 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$17,800 in fiscal year 1980-81 to provide funding for 1.0 GPR position to increase the department's legal services capability, particularly for workload related to appeals to the personnel commission.

SECTION 2120. Appropriation changes; health and social services. For the department of health and social services:

(1) **SERVICE CENTER COSTS.** The appropriation under section 20.435 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$46,200 in fiscal year 1980-81 to cover higher than anticipated user rates due to central service center pay plan costs.

(3) **SERVICE CENTER COSTS.** The appropriation under section 20.435 (2) (a) of the statutes, as affected by the laws of 1979, is increased by \$59,900 in fiscal year 1980-81 to cover higher than anticipated user rates due to central service center pay plan costs.

(4) **FOOD PRICE REESTIMATE.** The appropriation under section 20.435 (2) (a) of the statutes, as affected by the laws of 1979, is increased by \$57,100 in fiscal year 1980-81 to provide additional funding for institutional food costs.

(5) **REGISTERED NURSES NEW CONTRACT REQUIREMENTS.** The appropriation under section 20.435 (2) (a) of the statutes, as affected by the laws of 1979, is increased by \$35,500 in fiscal year 1980-81 to provide funding for additional limited term employment nursing positions at the state mental health institutes in order to comply with the current nursing collective bargaining agreement which entitles nurses to every other weekend off duty.

(6) **REESTIMATE OF LOCAL MENTAL HEALTH AIDS.** The appropriation under section 20.435 (2) (b) of the statutes, as affected by the laws of 1979, is decreased by \$78,000 in fiscal year 1979-80 and by \$162,100 in fiscal year 1980-81 to reflect a reestimate of the amount of funds needed for local mental health aids.

(7) **REESTIMATE OF COUNTY SOCIAL SERVICES AIDS.** The appropriation under section 20.435 (2) (bb) of the statutes, as affected by the laws of 1979, is decreased by \$32,100 in fiscal year 1979-80 and by \$79,500 in fiscal year 1980-81 to reflect a reestimate of the amount of funds needed for county social services aids.

(8) **REESTIMATE OF SHELTER CARE REIMBURSEMENT.** The appropriation under section 20.435 (2) (c) of the statutes, as affected by the laws of 1979, is decreased by \$50,000 in fiscal year 1979-80 and by \$93,600 in fiscal year 1980-81 to reflect a reestimate of the funding to locally operated shelter care facilities.

(9) **DIRECT SERVICES CASELOAD REESTIMATE.** The appropriation under section 20.435 (2) (dd) of the statutes, as affected by the laws of 1979, is decreased by \$359,300 in fiscal year 1979-80 and by \$444,300 in fiscal year 1980-81 to reflect a reestimate of the funding required for the children's services provided directly by the division of community services.

(10) **REESTIMATE OF STATE SUPPLEMENT TO NUTRITION PROGRAM.** The appropriation under section 20.435 (2) (df) of the statutes, as affected by the laws of 1979, is decreased by \$1,357,800 in fiscal year 1979-80 and by \$168,400 in fiscal year 1980-81 to reflect the reduced general program revenue funding needs associated with the elderly nutrition program as a result of increased federal participation.

(11) **FOOD PRICE REESTIMATE.** The appropriation under section 20.435 (3) (a) of the statutes, as affected by the laws of 1979, is increased by \$506,000 in fiscal year 1980-81 to provide additional funding for institutional food costs.

(12) SERVICE CENTER COSTS. The appropriation under section 20.435 (3) (a) of the statutes, as affected by the laws of 1979, is increased by \$3,900 in fiscal year 1980-81 to cover higher than anticipated user roles due to central service center pay plan costs.

(13) JUVENILE INSTITUTIONAL POPULATION REESTIMATES. The appropriation under section 20.435 (3) (a) of the statutes, as affected by the laws of 1979, is decreased by \$118,700 in fiscal year 1980-81 to eliminate 6.0 GPR positions serving as remaining staff and funding for the Parkland juvenile facility, no longer necessary due to declining juvenile populations.

(14) OVERTIME COST REDUCTION. The appropriation under section 20.435 (3) (a) of the statutes, as affected by the laws of 1979, is decreased by \$229,500 in fiscal year 1980-81 to reflect the costs of additional 35.0 GPR positions offset against overtime savings.

(15) DODGE CORRECTIONAL INSTITUTION STAFF FUNDING. The appropriation under section 20.435 (3) (a) of the statutes, as affected by the laws of 1979, is increased by \$146,000 in fiscal year 1980-81 to provide full financing for authorized Dodge correctional institution staff.

(16) MUTUAL AGREEMENT PROGRAM POSITIONS. The appropriation under section 20.435 (3) (a) of the statutes, as affected by the laws of 1979, is increased by \$275,400 in fiscal year 1980-81 for 14.0 GPR positions to continue funding and staff for correctional program review and clinical services functions formerly associated with the mutual agreement program.

(17) COMMUNITY CORRECTIONAL CENTERS. The appropriation under section 20.435 (3) (a) of the statutes, as affected by the laws of 1979, is decreased by \$555,400 in fiscal year 1980-81 to eliminate 21.0 GPR positions and funding for 2 16-bed community correctional centers and for the proposed expansion of the women's metro center included in the 1979-81 budget.

(18) PROBATION AND PAROLE CASELOAD REESTIMATE. The appropriation under section 20.435 (3) (a) of the statutes, as affected by the laws of 1979, is decreased by \$754,100 in fiscal year 1979-80 to reflect funds which will not be expended and by \$754,800 in fiscal year 1980-81 to eliminate 48.0 GPR positions to reflect slower than anticipated growth in probation and parole caseloads.

(19) OFFENDER WORK PROGRAM. The appropriation under section 20.435 (3) (a) of the statutes, as affected by the laws of 1979, is increased by \$70,100 in fiscal year 1980-81 to provide 4.0 GPR positions and funding for administration of offender work programs.

(19g) CORRECTIONAL PROGRAMS REESTIMATE. The appropriation under section 20.435 (3) (a) of the statutes, as affected by the laws of 1979, is decreased by \$1,245,900 in fiscal year 1979-80 to reflect funds in adult and juvenile correctional programs which will not be expended.

(19r) CLINICAL SERVICES. There is transferred from the appropriation under section 20.435 (2) (a) of the statutes, as affected by the laws of 1979, \$100,700 and 4.0 GPR positions in fiscal year 1980-81 to the appropriation under section 20.435 (3) (a) of the statutes in fiscal year 1980-81 to provide additional clinical services positions for correctional institutions to accommodate a projected increase in the number of offenders as a result of the enactment of chapter 117, laws of 1979.

(20) JUVENILE ALTERNATE CARE FUNDING. The appropriation under section 20.435 (3) (b) of the statutes, as affected by the laws of 1979, is decreased by \$2,091,700 in fiscal year 1979-80 and by \$3,650,300 in fiscal year 1980-81 to reflect reduced state juvenile alternative care expenditures.

(21) PURCHASE OF SERVICES FOR OFFENDERS. The appropriation under section 20.435 (3) (d) of the statutes, as affected by the laws of 1979, is decreased by \$83,100 in fiscal year 1980-81 to reduce purchase of services funds, as a result of lower than anticipated probation and parole case loads.

(22) SERVICE CENTER COSTS. The appropriation under section 20.435 (4) (a) of the statutes, as affected by the laws of 1979, is increased by \$22,300 in fiscal year 1980-81 to cover higher than anticipated user rates due to central service center pay plan costs.

(22m) ENERGY ASSISTANCE PROGRAM. The appropriation under section 20.435 (4) (a) of the statutes, as affected by the laws of 1979, is decreased by \$21,400 in fiscal year 1979-80 to reflect staff salary and fringe benefit costs which can be charged to federal energy assistance program funds.

(22r) WORK TRAINING PROGRAM. The appropriation under section 20.435 (4) (db) of the statutes, as affected by the laws of 1979, is decreased by \$115,800 in fiscal year 1979-80 to reflect the availability of unspent funds from the 1978-79 fiscal year which are no longer needed.

(23) SERVICE CENTER COSTS. The appropriation under section 20.435 (5) (a) of the statutes, as affected by the laws of 1979, is increased by \$600 in fiscal year 1980-81 to cover higher than anticipated user rates due to central service center pay plan costs.

(24) SERVICE CENTER COSTS. The appropriation under section 20.435 (5) (bm) of the statutes, as affected by the laws of 1979, is increased by \$200 in fiscal year 1980-81 to cover higher than anticipated user rates due to central service center pay plan costs.

(25) ENERGY ASSISTANCE PROGRAM. The appropriation under section 20.435 (8) (a) of the statutes, as affected by the laws of 1979, is decreased by \$6,300 in fiscal year 1979-80 to reflect staff salary and fringe benefit costs which can be charged to federal energy assistance program funds.

(26) 2ND OPINION MEDICAL ASSISTANCE PROGRAM. The appropriation under section 20.435 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$12,000 in fiscal year 1980-81 to provide 0.75 GPR 2-year project positions to administer the 2nd opinion medical assistance program under section 49.45 (3) (i) of the statutes, as created by this act.

(27) BONDING FOR CORRECTIONAL FACILITIES. The appropriation under section 20.866 (2) (w) of the statutes, as affected by the laws of 1979, is increased by \$16,000,000 in fiscal year 1979-80 to provide additional general fund supported bond moneys for department of health and social services correctional facilities.

(28) CHILD CARING INSTITUTIONS. *The appropriation under section 20.435 (2) (bb) of the statutes, as affected by the laws of 1979, is increased by \$1,500,000 in fiscal year 1979-80 for the purpose of reimbursing counties for excess expenditures for the care of children in child caring institutions, provided, however, that these funds may not be expended until the expenditure is approved by the joint committee on finance of the legislature after submission by the department to the joint committee on finance of final data on county excess expenditures in calendar year 1979 for the care of children in child caring institutions.*

Partial
Veto
Overruled

(30) MILK CERTIFICATION. The appropriation under section 20.435 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$188,500 in fiscal year 1980-81 for 7.0 GPR positions and other expenses incurred in the administration of the milk certification program.

(31) RADIATION MONITORING. The appropriation under section 20.435 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$34,400 in fiscal year 1980-81 to provide 0.5 GPR position, to purchase equipment and to operate a program in the department of health and social services to measure radiation applicable to uranium mining and to demonstrate radiation measurement techniques.

SECTION 2123. **Appropriation changes; historical society.** For the historical society:

(1) **APPROPRIATION CORRECTION.** The appropriation under section 20.245 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$35,900 in fiscal year 1979-80 and by \$35,900 in fiscal year 1980-81 to fund 2.0 GPR positions from this appropriation.

(2) **APPROPRIATION CORRECTION.** The appropriation under section 20.245 (1) (f) of the statutes, as affected by the laws of 1979, is decreased by \$35,900 in fiscal year 1979-80 and by \$35,900 in fiscal year 1980-81 to eliminate 2.0 positions and their funding from this appropriation.

SECTION 2125. Appropriation changes; industry, labor and human relations. For the department of industry, labor and human relations:

(1) **PLUMBING CODE TRANSFER.** All unencumbered moneys received by the department of health and social services from fees generated under chapter 145 of the statutes, as affected by this act, are transferred from the appropriation made to the department of health and social services under section 20.435 (1) (gm) of the statutes, as affected by this act, to the department of industry, labor and human relations under section 20.445 (1) (i) of the statutes, as affected by this act.

(2) **PRIVATE SEWAGE SYSTEM; APPROPRIATION TRANSFER.** There is transferred to the appropriation under section 20.445 (1) (cm) of the statutes, as created by this act, the unencumbered balance existing immediately prior to the effective date established under SECTION 2204 (20) (a) of this act of the appropriation under section 20.435 (1) (cm) of the statutes, as created by chapter 34, laws of 1979.

(3) **WORKER'S COMPENSATION AND UNEMPLOYMENT COMPENSATION OUTREACH.** The appropriation under section 20.445 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$37,600 in fiscal year 1980-81 for the purpose of continuing funding for an outreach program to inform members of the Latin community in Milwaukee county of their rights under the worker's compensation and unemployment compensation laws.

(4) **WORKER'S COMPENSATION HEARING EXAMINER POSITION.** The appropriation under section 20.445 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$27,100 in fiscal year 1980-81 for the purpose of funding one additional attorney position to act as a hearing examiner in worker's compensation cases.

SECTION 2126. Appropriation changes; insurance. For the office of the commissioner of insurance:

(1) **REALLOCATION OF POSITION.** The appropriation under section 20.145 (2) (u) of the statutes, as affected by the laws of 1979, is decreased by \$11,300 in fiscal year 1980-81 to eliminate 1.0 SEG position.

(2) **CHANGED POSITION FUNDING.** The appropriation under section 20.145 (4) (u) of the statutes, as affected by the laws of 1979, is increased by \$5,700 in fiscal year 1980-81 for 0.3 SEG position to reflect a more appropriate allocation of data processing services in the office.

(4) **COMPUTER PROCESSING PRODUCTION COSTS.** The appropriation under section 20.145 (4) (u) of the statutes, as affected by the laws of 1979, is increased by \$14,400 in fiscal year 1980-81 to provide increased funding for the monthly computer processing and production costs for the state life insurance fund computer system.

(5) **LOCAL GOVERNMENT PROPERTY FUND POSITION DECREASE.** The appropriations under section 20.145 (3) (u) of the statutes, as affected by the laws of 1979, is decreased by \$17,800 in fiscal year 1980-81 to eliminate 1.0 SEG administrative assistant 3 position effective July 1, 1980, or on the day after the publications of this act, whichever is later.

SECTION 2128. Appropriation changes; investment board. For the investment board:

(1) **PAY PLAN.** The appropriation under section 20.536 (1) (h) of the statutes, as affected by the laws of 1979, is increased by \$81,000 in fiscal year 1979-80 and by \$169,300 in fiscal year 1980-81 to provide funding for the biennial pay plan.

SECTION 2130. Appropriation changes; judicial commission. For the judicial commission:

(1) **OPERATING EXPENSES.** The appropriation under section 20.665 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$38,500 in fiscal year 1980-81 to provide for 0.75 GPR position and increased operating expenses.

(2) **PAYMENTS FOR EXONERATED JUDGES.** The appropriation under section 20.665 (1) (b) of the statutes, as affected by the laws of 1979, is decreased by \$10,000 in fiscal year 1980-81 to reflect the creation of a separate appropriation for contracting for investigations and prosecutions.

(3) **INVESTIGATION EXPENSES.** The appropriation under section 20.665 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$20,300 in fiscal year 1979-80 for increased investigation expenses.

SECTION 2132. Appropriation changes; justice. For the department of justice:

(1) **CRIMINAL APPEALS.** The appropriation under section 20.455 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$87,900 in fiscal year 1980-81 to provide for 2.0 GPR positions to absorb increased workload in the criminal appeals unit and provide one-time financing for acquisition of word processing equipment.

(2) **CRIME INFORMATION BUREAU.** The appropriation under section 20.455 (2) (a) of the statutes, as affected by the laws of 1979, is increased by \$24,100 in fiscal year 1980-81 for continuing 2.0 GPR typist project positions in the crime information bureau until an automation study is completed prior to the 1981-83 budget deliberations.

(3) **CRIME LABORATORY.** The appropriation under section 20.455 (2) (a) of the statutes, as affected by the laws of 1979, is increased by \$36,000 in fiscal year 1980-81 for 1.0 GPR microserologist position and the conversion of 1.0 GPR clerical position to a microserologist position.

SECTION 2133. Appropriation changes; legislature. For the legislature:

(1) **LEGISLATIVE AUDIT BUREAU SPACE RENTALS.** The appropriation under section 20.765 (3) (c) of the statutes, as affected by the laws of 1979, is increased by \$12,100 in fiscal year 1980-81 to provide funding for increased space rentals for the legislative audit bureau.

(2) **COMMISSION ON UNIFORM STATE LAWS — DUES INCREASE.** The appropriation under section 20.765 (2) (b) of the statutes, as affected by the laws of 1979, is increased by \$900 in fiscal year 1980-81 to cover the costs of increased dues to the national conference of commissioners on uniform state laws.

(3) **LEGISLATIVE REFERENCE BUREAU BILL DRAFTING AND TYPING.** The appropriation under section 20.765 (3) (b) of the statutes, as affected by the laws of 1979, is increased by \$37,000 for the 1980-81 fiscal year for the purpose of funding 1.0 GPR ~~unclassified~~ attorney position and 1.0 GPR ~~unclassified~~ clerical position to supplement existing staff assigned to bill drafting and typing in the legislative reference bureau, for providing furniture, equipment and materials associated with the positions and for increased funding of specialized professional training for legislative attorneys. **Vetoed in Part**

SECTION 2135. Appropriation changes; local affairs and development. For the department of local affairs and development:

(1) **DISASTER AUDIT PROGRAM.** There is transferred to the appropriation under section 20.545 (3) (a) of the statutes, as affected by the laws of 1979, from the appropriation under section 20.545 (3) (e) of the statutes, as affected by the laws of 1979, \$70,000

in fiscal year 1980-81 for the payment of legislative audit bureau costs for the audit of disaster aids payments.

(2) **ELIMINATION OF NATURAL DISASTER AIDS PROGRAM.** The appropriation under section 20.545 (3) (e) of the statutes, as affected by the laws of 1979, is decreased by \$45,000 in fiscal year 1979-80 to eliminate the natural disaster aids program.

Vetoed in Part (3) **WEATHERIZATION.** There is transferred from the appropriation for fiscal year 1979-80 under section 20.865 (4) (c) of the statutes, as affected by the laws of 1979, \$60,000 to the appropriation under section 20.545 (1) (e) of the statutes, as affected by the laws of 1979, and \$940,000 to the appropriation under section 20.545 (1) (ea) of the statutes, as affected by the laws of 1979, for fiscal year 1979-80. The funds under both transfers shall be for the purpose of administering weatherization program aid to organizations.

SECTION 2136. Appropriation changes; medical college of Wisconsin. For the medical college of Wisconsin:

(1) **FAMILY PRACTICE.** The appropriation under section 20.250 (1) (b) of the statutes, as affected by the laws of 1979, is increased by \$125,000 in fiscal year 1980-81 to fund development of a family practice program in the Kenosha area.

(2) **CAPITATION SUPPORT.** The appropriation under section 20.250 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$154,000 in fiscal year 1980-81 to fund 18 additional students and to revise the resident/nonresident funding ratio.

SECTION 2137. Appropriation changes; military affairs. For the department of military affairs:

(1) **RECRUITMENT PHONE TOLLS.** The appropriation under section 20.465 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$12,000 in fiscal year 1980-81 to provide funding for an expanded telephone recruitment effort.

(2) **PUBLIC INFORMATION PROGRAM.** The appropriation under section 20.465 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$15,000 in fiscal year 1980-81 to augment the public information program to increase enlistments.

(3) **ASSISTANT ADJUTANT FOR AIR OPERATIONS.** The appropriation under section 20.465 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$34,200 in fiscal year 1980-81 to provide 1.0 GPR assistant adjutant for air operations position.

SECTION 2139. Appropriation changes; natural resources. For the department of natural resources:

(1) **POSITIONS AND FUNDS TRANSFERS.** (a) *Resource management; general program operations - state funds.* The appropriation under section 20.370 (1) (mu) of the statutes, as affected by the laws of 1979, is decreased by \$6,600 in fiscal year 1980-81 to reflect position and fund transfers between programs and subprograms.

(b) *Environmental standards; general program operations - state funds.* The appropriation under section 20.370 (2) (ma) of the statutes, as affected by the laws of 1979, is increased by \$67,800 in fiscal year 1980-81 to reflect position and fund transfers between programs and subprograms.

(c) *Enforcement; general programs operations - state funds.* The appropriation under section 20.370 (3) (ma) of the statutes, as affected by the laws of 1979, is decreased by \$96,700 in fiscal year 1980-81 to reflect position and fund transfers between programs and subprograms.

(d) *Enforcement; general program operations - state funds.* The appropriation under section 20.370 (3) (mu) of the statutes, as affected by the laws of 1979, is decreased by \$5,000 in fiscal year 1980-81 to reflect position and fund transfers between programs and subprograms.

(e) *Local support; aids administration; general program operations - state funds.* The appropriation under section 20.370 (4) (ia) of the statutes, as affected by the laws of 1979, is decreased by \$38,000 in fiscal year 1980-81 to reflect position and fund transfers between programs and subprograms.

(f) *Administrative services; general programs operations - state funds.* The appropriation under section 20.370 (8) (ma) of the statutes, as affected by the laws of 1979, is increased by \$66,900 in fiscal year 1980-81 to reflect position and fund transfer between programs and subprograms.

(g) *Administrative services; general program operations - state funds.* The appropriation under section 20.370 (8) (mu) of the statutes, as affected by the laws of 1979, is increased by \$11,600 in fiscal year 1980-81 to reflect position and fund transfers between programs and subprograms.

(2) HAYWARD NURSERY. The appropriation under section 20.370 (1) (ks) of the statutes, as affected by the laws of 1979, is increased by \$400,000 in fiscal year 1979-80 for the purchase of lands located within the Chequamegon national forest from the board of commissioners of public lands to be exchanged for lands of equal value located in Sawyer county and known as the Hayward nursery owned by the U.S. government.

(3m) HERITAGE HILL STATE PARK. The appropriation under section 20.370 (1) (kb) of the statutes, as affected by the laws of 1979, is increased by \$37,000 in fiscal year 1979-80 for development at Heritage Hill state park.

(4) ENVIRONMENTAL DAMAGE COMPENSATION. There is transferred to the appropriation under section 20.370 (2) (bj) of the statutes, as created by this act, the unencumbered balance, immediately prior to the effective date of this act, of the appropriation under section 20.370 (2) (aj) of the statutes, as created by chapter 34, laws of 1979.

(5m) RECREATION FACILITIES. The appropriation under section 20.866 (2) (tp) of the statutes, as affected by the laws of 1979, is increased by \$4,162,700 for the 1979-80 fiscal year to provide additional funding for land acquisition, for development of recreational boating facilities and for development projects at Willow River state park, Nelson Dewey state park and the Peninsula state park golf course.

(6m) SEGREGATED REVENUE SUPPORTED ADMINISTRATIVE FACILITIES. The appropriation under section 20.866 (2) (tu) of the statutes, as affected by the laws of 1979, is increased by \$356,000 for the 1979-80 fiscal year to provide additional funding for administrative facilities.

(7) OPERATION OF RECENTLY COMPLETED PARKS FACILITIES. The appropriation under section 20.370 (1) (ea) of the statutes, as affected by the laws of 1979, is increased by \$12,200 in fiscal year 1980-81 for the operation of recently completed trails, offices and a shop at various parks.

(8) HEATING AND UTILITIES SUPPLEMENT. The appropriation under section 20.370 (1) (ea) of the statutes, as affected by the laws of 1979, is increased by \$20,600 in fiscal year 1979-80 and by \$47,700 in fiscal year 1980-81 as a supplement to cover increased heating and utility costs.

(9) OPERATION OF RECENTLY COMPLETED PARKS FACILITIES. The appropriation under section 20.370 (1) (mu) of the statutes, as affected by the laws of 1979, is increased by \$12,200 in fiscal year 1980-81 for the operation of recently completed trails, offices and a shop at various parks.

(10m) REPLACEMENT OF FEDERAL FOREST FIRE CONTROL FUNDS. The appropriation under section 20.370 (1) (mu) of the statutes, as affected by the laws of 1979, is increased by \$49,200 in fiscal year 1979-80 and by \$595,100 in fiscal year 1980-81 to fund 3.0 SEG positions on the effective date of this act and 27.0 SEG positions on July 1, 1980, to substitute state funds because of a cutback in federal funding for fire control.

(11) HEATING AND UTILITIES SUPPLEMENT. The appropriation under section 20.370 (1) (mu) of the statutes, as affected by the laws of 1979, is increased by \$103,000 in fiscal year 1979-80 and by \$246,200 in fiscal year 1980-81 as a supplement to cover increased heating and utility costs.

(12) COUNTY TIMBER SALES BACKLOG ASSISTANCE. The appropriation under section 20.370 (1) (mu) of the statutes, as affected by the laws of 1979, is increased by \$246,000 in fiscal year 1980-81 to fund 12.0 SEG positions to expand the state's capability to assist counties in the harvest of overmature timber.

(13) HEATING AND UTILITY SUPPLEMENT. The appropriation under section 20.370 (3) (mu) of the statutes, as affected by the laws of 1979, is increased by \$500 in fiscal year 1979-80 and by \$1,200 in fiscal year 1980-81 as a supplement to cover increased heating and utility costs.

(14) NONPOINT SOURCE POLLUTION ABATEMENT GRANT FUNDING INCREASE. The appropriation under section 20.370 (4) (cc) of the statutes, as affected by the laws of 1979, is increased by \$840,400 in fiscal year 1980-81 to provide funding at an adequate level for the existing watersheds currently financed under the nonpoint source pollution abatement program.

(15) HEATING AND UTILITIES SUPPLEMENT. The appropriation under section 20.370 (4) (hb) of the statutes, as affected by the laws of 1979, is increased by \$2,200 in fiscal year 1979-80 and by \$5,100 in fiscal year 1980-81 as a supplement to cover increased heating and utility costs.

(16) RECREATIONAL BOATING FACILITIES. The appropriation under section 20.370 (4) (ib) of the statutes, as affected by the laws of 1979, is decreased by \$120,000 in fiscal year 1979-80 and by \$120,000 in fiscal year 1980-81 to reflect that the funding needed for the administration of the recreational boating facilities aids program was not as large as originally estimated.

(17) HEATING AND UTILITIES SUPPLEMENT. The appropriation under section 20.370 (8) (ma) of the statutes, as affected by the laws of 1979, is increased by \$4,400 in fiscal year 1979-80 and by \$10,200 in fiscal year 1980-81 as a supplement to cover increased heating and utility costs.

(18) CONVERSION OF COMPUTER SERVICES. The appropriation under section 20.370 (8) (ma) of the statutes, as affected by the laws of 1979, is increased by \$55,600 in fiscal year 1979-80 and by \$14,000 in fiscal year 1980-81 to fund the costs incurred by the department at the Hill Farms regional computer center related to conversion of the department's data system to the Hill Farms regional data processing center by October 1, 1980.

(19) PURCHASE OF WORD PROCESSING EQUIPMENT. The appropriation under section 20.370 (8) (ma) of the statutes, as affected by the laws of 1979, is increased by \$55,000 in fiscal year 1980-81 for the purchase of new word processing units for the Madison central office.

(20) SOUTHERN DISTRICT HEADQUARTERS OPERATION FUNDS. The appropriation under section 20.370 (8) (ma) of the statutes, as affected by the laws of 1979, is decreased by \$3,300 in fiscal year 1979-80 and increased by \$5,000 in fiscal year 1980-81 to transfer moving costs appropriated for the move to the new Nevin headquarters and to continue operations at the temporary headquarters at Camp Wakanda due to construction delays at Nevin.

(21) NEW CUMBERLAND FACILITY OPERATIONS. The appropriation under section 20.370 (8) (ma) of the statutes, as affected by the laws of 1979, is increased by \$1,900 in fiscal year 1979-80 and by \$1,900 in fiscal year 1980-81 for the operation of the newly completed Cumberland area office.

(22) HEATING AND UTILITIES SUPPLEMENT. The appropriation under section 20.370 (8) (mu) of the statutes, as affected by the laws of 1979, is increased by \$11,100 in fiscal year 1979-80 and by \$26,500 in fiscal year 1980-81 as a supplement to cover increased heating and utility costs.

(23) DISTRICT CLERICAL PERSONNEL. The appropriation under section 20.370 (8) (mu) of the statutes, as affected by the laws of 1979, is increased by \$223,500 in fiscal year 1980-81 to fund 14.0 SEG positions to meet increased clerical workload needs of the department's district, area and field offices.

(24) CONVERSION OF COMPUTER SERVICES. The appropriation under section 20.370 (8) (mu) of the statutes, as affected by the laws of 1979, is increased by \$144,400 in fiscal year 1979-80 and by \$36,000 in fiscal year 1980-81 to fund the costs incurred by the department at the Hill Farms regional computer center related to conversion of the department's data systems to the Hill Farms regional data center by October 1, 1980.

(25) PURCHASE OF WORD PROCESSING EQUIPMENT. The appropriation under section 20.370 (8) (mu) of the statutes, as affected by the laws of 1979, is increased by \$144,000 in fiscal year 1980-81 for the purchase of new word processing units for the Madison central office.

(26) SOUTHERN DISTRICT HEADQUARTERS OPERATION FUNDS. The appropriation under section 20.370 (8) (mu) of the statutes, as affected by the laws of 1979, is decreased by \$12,200 in fiscal year 1979-80 and increased by \$16,500 in fiscal year 1980-81 to transfer moving costs appropriated for the move to the new Nevin headquarters and to continue operations at the temporary headquarters at Camp Wakanda due to construction delays at Nevin.

(27) NEW CUMBERLAND FACILITY OPERATIONS. The appropriation under section 20.370 (8) (mu) of the statutes, as affected by the laws of 1979, is increased by \$5,000 in fiscal year 1979-80 and \$5,000 in fiscal year 1980-81 for the operation of the newly completed Cumberland area office.

(28) NONPOINT SOURCE POLLUTION ABATEMENT GRANTS; APPROPRIATION TRANSFER. There is transferred to the appropriation under section 20.370 (4) (cc) of the statutes, as affected by the laws of 1979, from the appropriation under section 20.370 (4) (ia) of the statutes, as affected by the laws of 1979, \$40,000 in fiscal year 1980-81 to provide additional funds for the nonpoint source pollution abatement grant program.

(30) REPLACEMENT OF FEDERAL PARK FUNDS. (a) The appropriation under section 20.370 (1) (ea) of the statutes, as affected by the laws of 1979, is increased by \$29,100 in fiscal year 1979-80 and by \$33,200 in fiscal year 1980-81 to provide state funds to offset reduced federal funding under the ice age reserve program for state parks and forests.

(b) The appropriation under section 20.370 (1) (mu) of the statutes, as affected by the laws of 1979, is increased by \$50,100 in fiscal year 1979-80 and by \$54,200 in fiscal year 1980-81 to provide state funds to offset reduced federal funding under the ice age reserve program for state parks and forests.

(c) The appropriation under section 20.370 (8) (ma) of the statutes, as affected by the laws of 1979, is increased by \$2,600 in fiscal year 1979-80 and by \$2,600 in fiscal year 1980-81 to provide state funds to offset reduced federal funding under the ice age reserve program for state parks and forests.

(d) The appropriation under section 20.370 (8) (mu) of the statutes, as affected by the laws of 1979, is increased by \$6,800 in fiscal year 1979-80 and by \$6,800 in fiscal year 1980-81 to provide state funds to offset reduced federal funding under the ice age reserve program for state parks and forests.

(31) COLD WATER FISH HATCHERIES. The appropriation under section 20.370 (1) (mu) of the statutes, as affected by the laws of 1979, is decreased by \$15,200 in fiscal year 1979-80 and is increased by \$293,700 in fiscal year 1980-81 to provide additional funding for the operation of cold water fish hatcheries.

(32) WASTE OIL RECYCLING. The appropriation under section 20.370 (2) (ma) of the statutes, as affected by the laws of 1979, is increased by \$22,700 in fiscal year 1980-81 for 1.0 FTE chemist 2 position and for the administration of the waste oil collection and recycling program.

(33) AIR POLLUTION CONTROL PROGRAM IMPLEMENTATION. The appropriation under section 20.370 (2) (ma) of the statutes, as affected by the laws of 1979, is increased by \$10,000 for fiscal year 1980-81 to provide additional funding for the implementation of the air pollution control program.

SECTION 2141. Appropriation changes; personnel commission. For the personnel commission:

(1) CLERICAL SURVEY WORKLOAD. The appropriation under section 20.547 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$43,800 in fiscal year 1980-81 to fund 2.0 GPR project positions initially approved through December 31, 1980 by the joint committee on finance acting under section 13.101 of the statutes through the end of the 1980-81 fiscal year for the purpose of processing appeals from the clerical survey.

(2) POSITION RECLASSIFICATION. The appropriation under section 20.547 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$2,900 in 1980-81 to provide funding for an approved position reclassification not otherwise budgeted.

(3) POSITION EXTENSION. The appropriation under section 20.547 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$21,900 in fiscal year 1980-81 for the purpose of funding the extension of 1.0 GPR equal rights officer project position until June 30, 1981.

SECTION 2142. Appropriation changes; public defender board. For the public defender board:

~~(1) PROGRAM ADMINISTRATION. (a) Appropriation increase. The appropriation under section 20.550 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$308,500 in fiscal year 1980-81 for the administration of the office of the state public defender, which includes the funding of 8.0 GPR positions.~~

~~(b) Appropriation transfer. There is transferred from the appropriation under section 20.550 (1) (a) of the statutes, as affected by the laws of 1979, \$125,000 in fiscal year 1979-80 to the appropriation under section 20.550 (1) (a) of the statutes, as affected by the laws of 1979, in fiscal year 1980-81 for the development of a computerized case docketing system.~~

~~(2) APPELLATE REPRESENTATION. The appropriation under section 20.550 (1) (b) of the statutes, as affected by the laws of 1979, is increased by \$782,000 in fiscal year 1980-81 for appellate representation, which includes the funding of 30.0 GPR positions.~~

~~(3) TRIAL REPRESENTATION. The appropriation under section 20.550 (1) (c) of the statutes, as affected by the laws of 1979, is increased by \$5,454,700 in fiscal year 1980-81 for trial representation, which includes the funding of 224.0 positions.~~

~~(4) PRIVATE BAR REIMBURSEMENT. (a) Appropriation decrease. The appropriation under section 20.550 (1) (d) of the statutes, as affected by the laws of 1979, is decreased by \$113,500 for private bar reimbursement.~~

~~(b) Appropriation transfer. There is transferred to the appropriation under section 20.550 (1) (d) of the statutes, as affected by the laws of 1979, from the appropriation under section 20.550 (1) (c) of the statutes, as affected by the laws of 1979, \$500,000 in fiscal year 1979-80 for private bar reimbursement.~~

Vetoed
in Part

SECTION 2143. Appropriation changes; public instruction. For the department of public instruction:

(1) **SPECIAL EDUCATIONAL NEEDS.** The appropriation under section 20.255 (1) (dd) of the statutes, as affected by the laws of 1979, is decreased by \$75,000 in fiscal year 1979-80 and by \$182,200 in fiscal year 1980-81 to reflect a reestimate of expenditure levels and the provision of funding in 1980-81 for only those programs eligible for their 3rd year of funding in that year.

(2) **DATA PROCESSING CONVERSION.** The appropriation under section 20.255 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$33,700 in fiscal year 1980-81 to provide funding for training and conversion costs associated with moving the department's data processing operation to the GEF-I regional computer center.

(3) **HANDICAPPED AID READJUSTMENT.** The appropriation under section 20.255 (1) (bd) of the statutes, as affected by the laws of 1979, is increased by \$793,700 in fiscal year 1979-80 and by \$1,425,900 in fiscal year 1980-81 to provide full funding for the handicapped aid formula under section 115.88 of the statutes.

(4) **GENERAL AID APPROPRIATION.** The appropriation under section 20.255 (1) (cc) of the statutes, as affected by the laws of 1979, is decreased by \$5,301,900 in fiscal year 1979-80 and by \$4,048,700 in fiscal year 1980-81 to reduce funding for general school aids distributed under section 121.07 (7) (a) of the statutes.

(5) **PUPIL TRANSPORTATION AIDS.** The appropriation under section 20.255 (1) (fg) of the statutes, as affected by the laws of 1979, is increased by \$700,000 in fiscal year 1980-81 to provide full funding for the pupil transportation aid formula under section 121.58 (2) (a) of the statutes.

(6) **SPECIAL ADJUSTMENT AID APPROPRIATION.** The appropriation under section 20.255 (1) (fs) of the statutes, as affected by the laws of 1979, is decreased by \$150,000 in fiscal year 1979-80 and is increased by \$1,648,000 in fiscal year 1980-81 to provide additional funds for aids paid under section 121.10 of the statutes.

(7) **PUBLIC LIBRARY SYSTEM AIDS.** The appropriation under section 20.255 (3) (d) of the statutes, as affected by the laws of 1979, is decreased by \$259,200 in fiscal year 1979-80 and increased by \$28,800 in fiscal year 1980-81 to maintain funding at the 80% of formula level for public library systems.

(8) **PERSONAL SERVICES FUNDING FOR RESIDENTIAL SCHOOLS.** The appropriation under section 20.255 (2) (a) of the statutes, as affected by the laws of 1979, is increased by \$73,700 in fiscal year 1980-81 to provide for 1.79 GPR positions and for overtime, weekend and night differential pay and additional summer school costs at the Wisconsin school for the visually handicapped.

(9) **TUITION PAYMENTS.** The appropriation under section 20.255 (1) (cf) of the statutes, as affected by the laws of 1979, is increased by \$150,000 in fiscal year 1979-80 and by \$350,000 in fiscal year 1980-81 to reflect reestimate of payments under this appropriation.

(10) **BILINGUAL-BICULTURAL EDUCATION.** The appropriation under section 20.255 (1) (bb) of the statutes, as affected by the laws of 1979, is decreased by \$446,600 in fiscal year 1979-80 to reflect reestimate of payments under this appropriation.

(11) **DRIVER EDUCATION.** The appropriation under section 20.255 (1) (r) of the statutes, as affected by the laws of 1979, is decreased by \$399,800 in fiscal year 1979-80 and by \$357,200 in fiscal year 1980-81 to reflect reestimate of payments under this appropriation.

(13) **SPECIAL TRANSFER AID.** The appropriation under section 20.255 (1) (cc) of the statutes, as affected by the laws of 1979, is increased by \$110,000 in fiscal year 1980-81 to provide funds for the increased coverage of special transfer aid.

SECTION 2146. Appropriation changes; revenue. For the department of revenue:

(1) BUREAU OF LOCAL FINANCIAL ASSISTANCE. There is transferred to the appropriation under section 20.566 (2) (a) of the statutes, as affected by the laws of 1979, from the appropriation under section 20.566 (3) (a) of the statutes, as affected by the laws of 1979, \$355,500 in fiscal year 1980-81 to transfer 15.0 GPR positions consisting of the bureau of local financial assistance from the division of administrative services to the division of state/local finance.

SECTION 2148. Appropriation changes; secretary of state. For the secretary of state:

(1) LOBBYING INFORMATION. The appropriation under section 20.575 (1) (a) of the statutes, as affected by the laws of 1979, is decreased by \$20,100 in fiscal year 1979-80 and increased by \$20,100 in fiscal year 1980-81 to accommodate delay in implementation of an information system for lobbying reform changes.

SECTION 2151. Appropriation changes; supreme court. For the supreme court:

(1) PATIENTS COMPENSATION PANELS. The appropriation under section 20.680 (2) (q) of the statutes, as affected by the laws of 1979, is increased by \$8,700 in fiscal year 1979-80 and by \$18,200 in fiscal year 1980-81 to provide funding and position authorization for 1.0 SEG patients compensation panels staff position.

SECTION 2152. Appropriation changes; transportation. For the department of transportation:

(1) CONNECTING HIGHWAYS. The appropriation under section 20.395 (1) (as) of the statutes, as affected by the laws of 1979, is decreased by \$1,400,000 in fiscal year 1980-81 to reflect the removal of swing and lift bridge aids from this appropriation and the imposition of a sum certain appropriation limit.

(2) CONNECTING HIGHWAY AIDS. The appropriation under section 20.395 (1) (as) of the statutes, as affected by the laws of 1979, is increased by \$533,800 in fiscal year 1980-81 to provide funding for connecting highway aids consistent with inflation rates provided for the state highway maintenance appropriation.

(3) MAJOR HIGHWAY DEVELOPMENT LAPSE. \$3,000,000 of the unencumbered balance in the appropriation under section 20.395 (3) (bq) of the statutes, as affected by the laws of 1979, lapses to the transportation fund on the general effective date of this act.

(4) INCREASED RAIL PROPERTY IMPROVEMENT GRANTS. The appropriation under section 20.395 (2) (dq) of the statutes, as affected by the laws of 1979, is increased by \$2,000,000 in fiscal year 1980-81 to fund increased rail property improvement grants.

(5) DECREASED RAILROAD CAPITAL ADVANCES. The appropriation under section 20.395 (2) (eq) of the statutes, as affected by the laws of 1979, is decreased by \$200,000 in fiscal year 1979-80 and by \$2,000,000 in fiscal year 1980-81 to reduce funding for railroad capital advances.

(6) LICENSE PLATE COST INCREASE. The appropriation under section 20.395 (5) (cq) of the statutes, as affected by the laws of 1979, is increased by \$128,300 in fiscal year 1980-81 to fund unanticipated cost increases in manufacturing license plates.

(7) RAIL COMMUTER SERVICES. The appropriation under section 20.395 (2) (aq) of the statutes, as affected by the laws of 1979, is increased by \$200,000 in fiscal year 1979-80 for the purpose of providing a state grant to the city of Racine to match the available federal funds for track rehabilitation and improvement work for the extension of rail commuter services between Racine and Kenosha.

Vetoed in Part (9) SPECIFIC INFORMATION SIGNS. The appropriation under section 20.395 (5) (aq) of the statutes, as affected by the laws of 1979, is increased by \$226,500 in fiscal year 1980-81 for the purpose of funding 10 full-time positions for the administration of section 86.195 of the statutes, as created by this act.

(10) **MASS TRANSIT AIDS.** The appropriation under section 20.395 (1) (bq) of the statutes, as affected by the laws of 1979, is increased by \$9,200,000 in fiscal year 1980-81 for the purpose of providing additional funding for the mass transit aid program.

~~(11) **RIDE SHARING.** The appropriation under section 20.395 (5) (bq) of the statutes, as affected by the laws of 1979, is increased in fiscal year 1980-81 by \$176,500 for administration of the ride sharing program under section 85.075 of the statutes, as created by this act.~~ Vetoed in Part

~~(12) **SPEED LIMIT ENFORCEMENT.** The appropriation under section 20.395 (5) (cq) of the statutes, as affected by the laws of 1979, is increased in fiscal year 1980-81 by \$80,000 for administration of the demerit point assessment program under section 343.32 (2) of the statutes, as affected by this act.~~ Vetoed in Part

(13) **PROCEEDS FROM SALE OF GOERKE'S CORNER.** The proceeds from the sale of the excess state property located at the intersection of I-94 and USH-18 (Goerke's Corner) shall lapse to the transportation fund.

SECTION 2154. Appropriation changes; university of Wisconsin system. For the university of Wisconsin system:

(1) **PHYSICAL PLANT WORKLOAD ADJUSTMENT.** The appropriation under section 20.285 (1) (a) of the statutes, as affected by the laws of 1979, is decreased by \$112,300 in fiscal year 1979-80 and increased by \$14,200 in fiscal year 1980-81 to decrease funding for 6.8 GPR positions in fiscal year 1979-80 and to increase funding for 0.8 GPR position in fiscal year 1980-81 to reflect physical plant costs as a result of revised needs.

(2) **REESTIMATE OF UTILITY COSTS.** The appropriation under section 20.285 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$26,800 in fiscal year 1980-81 to adjust the fee/income offset for utility costs.

(3) **COOPERATIVE EXTENSION FUNDING.** The appropriation under section 20.285 (1) (a) of the statutes, as affected by the laws of 1979, is decreased by \$300,000 in fiscal year 1979-80 and increased by \$267,000 in fiscal year 1980-81. Of the amounts appropriated in fiscal year 1980-81 under section 20.285 (1) (a) of the statutes, as affected by the laws of 1979, a maximum of \$267,000 may be used to offset federal funding shortfalls for the university of Wisconsin cooperative extension program. This funding shall not discourage or delay any programmatic changes and reductions in the cooperative extension program which may be recommended by the board of regents of the university of Wisconsin system as part of reports required by chapter 34, laws of 1979, on funding and program activities of the university of Wisconsin system extension.

(4) **MONITORING EQUIPMENT FOR MECHANICAL/ELECTRICAL SYSTEMS.** The appropriation under section 20.285 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$60,800 in fiscal year 1979-80 and by \$116,200 in fiscal year 1980-81 for maintenance contracts on energy and labor saving devices.

(5) **ENROLLMENT FUNDING ADJUSTMENT.** The appropriation under section 20.285 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$251,000 in fiscal year 1980-81 and 13.8 additional GPR positions are authorized in fiscal year 1980-81 to reflect larger enrollments than originally estimated.

(6) **PUBLIC PATIENT TREATMENT COSTS.** The appropriation under section 20.285 (1) (b) of the statutes, as affected by the laws of 1979, is decreased by \$589,000 in fiscal year 1979-80 and by \$597,000 in fiscal year 1980-81 to reflect expectations of fewer patients to be treated.

(7) **BONDING FOR ACADEMIC FACILITIES.** The appropriation under section 20.866 (2) (s) of the statutes, as affected by the laws of 1979, is increased by \$1,788,700 in fiscal year 1979-80 to provide additional bond moneys for university of Wisconsin system academic facilities.

(8) **BONDING FOR SELF-AMORTIZING FACILITIES.** The appropriation under section 20.866 (2) (t) of the statutes, as affected by the laws of 1979, is increased by \$3,268,100 in fiscal year 1979-80 to provide additional self-amortizing bond moneys for university of Wisconsin system educational facilities.

(9) **OFFICE OF RURAL HEALTH.** The appropriation under section 20.285 (1) (fc) of the statutes, as affected by the laws of 1979, increased by \$38,400 in fiscal year 1980-81 to fund 1.75 GPR positions for the office of rural health.

(10) **INCREASED CAMPUS SECURITY MEASURES.** The appropriation under section 20.285 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$150,100 in fiscal year 1980-81 to fund 8.4 GPR positions and measures to improve security on university of Wisconsin system campuses.

(11) **NURSING CAPITATION FUNDING.** The appropriation under section 20.285 (1) (a) of the statutes, as affected by the laws of 1979, is decreased by \$54,800 in fiscal year 1979-80 and positions reduced by 1.21 GPR positions on the effective date of this act to reflect higher than anticipated federal nursing capitation grants.

Vetoed
in Part (12) **PESTICIDE RESEARCH.** The appropriation under section 20.285 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$11,600 in fiscal year 1979-80 and by \$59,300 in fiscal year 1980-81 and 1.5 additional GPR positions are authorized in fiscal year 1980-81 to provide funding and personnel for a pesticide monitoring and research program to be located at the university of Wisconsin Stevens Point.

Vetoed
in Part (13) **EXTENSION ENERGY SERVICE.** The appropriation under section 20.285 (1) (a) of the statutes, as affected by the laws of 1979, is increased in fiscal year 1980-81 by \$130,000 for the purpose of providing base support for the university of Wisconsin system extension energy service program.

SECTION 2156. Appropriation changes; veterans affairs. For the department of veterans affairs:

(1) **WISCONSIN VETERANS HOME.** The appropriation under section 20.485 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$97,500 in fiscal year 1979-80 and the applied receipts line under section 20.485 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$97,500 in fiscal year 1979-80 to reflect the additional revenue available for the purchase of food.

(2) **MEMORIAL HALL SECURITY SYSTEM.** The appropriation under section 20.485 (2) (wd) of the statutes, as affected by the laws of 1979, is increased by \$2,200 in fiscal year 1980-81 to provide for a movement detection alarm system for Memorial Hall and its storage area.

Vetoed
in Part (4) **GRANTS TO VETERANS ORGANIZATIONS.** (a) The appropriation under section 20.485 (2) (vn) of the statutes, as affected by the laws of 1979, is increased by \$75,700 in fiscal year 1980-81 to provide funds for the extension of the existing discharge review and prison outreach program by Vets House.

(b) There is transferred from the appropriation under section 20.485 (2) (vn) of the statutes, as affected by the laws of 1979, \$8,000 in fiscal year 1979-80 to the appropriation under section 20.485 (2) (vn) of the statutes, as affected by the laws of 1979, in fiscal year 1980-81 for the discharge review and prison outreach program.

SECTION 2157. Appropriation changes; vocational, technical and adult education. For the board of vocational, technical and adult education:

(1) **REPLACEMENT OF GPR FUNDING.** The appropriation under section 20.292 (1) (a) of the statutes, as affected by the laws of 1979, is decreased by \$12,200 in fiscal year 1979-80 and by \$21,500 in fiscal year 1980-81 to decrease funding for 0.5 GPR position in fiscal year 1979-80 and 1.0 GPR position in 1980-81 under this appropriation for carrying out a federally mandated evaluation of educational programs.

(2) DISTRICT AID ADJUSTMENT. The appropriation under section 20.292 (1) (d) of the statutes, as affected by the laws of 1979, is decreased by \$1,383,900 in fiscal year 1979-80 and by \$111,400 in fiscal year 1980-81 to reduce funding for district aids distributed under section 38.28 of the statutes.

~~(3) ENERGY IN-SERVICE TRAINING. The appropriation under section 20.292 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$48,000 in fiscal year 1980-81 in order for the board to provide for in-service institutes for district board staff in energy conservation and education.~~ Vetoed in Part

SECTION 2158. Appropriation changes; other.

(2) MAINTENANCE OF THE CAPITOL AND EXECUTIVE RESIDENCE. The appropriation under section 20.865 (2) (e) of the statutes, as affected by the laws of 1979, is increased by \$52,600 in fiscal year 1979-80 and \$19,900 in fiscal year 1980-81 to provide additional funding for the cost of operating, protective services and maintenance of the capitol and executive residence.

(4) EMPLOYEE COMPENSATION SUPPLEMENTS. The unencumbered balances in the appropriation under section 20.877 (1) (a) of the statutes, as affected by the laws of 1979, shall revert to the general fund on the effective date of this act to reflect the reallocation of funds for employee compensation supplements to the other appropriations from which the compensation is paid.

(5) PARKING RENTAL COSTS. The appropriation under section 20.865 (2) (b) of the statutes, as affected by the laws of 1979, is increased by \$700 in fiscal year 1980-81 to reflect increased parking rental costs.

(8) GPR TRANSFER TO TRANSPORTATION FUND. The appropriation under section 20.855 (4) (ao) of the statutes, as affected by the laws of 1979, is decreased by \$30,000,000 in fiscal year 1980-81 to reduce the amount of the general purpose revenues transferred to the transportation fund.

SECTION 2200. Word changes.

(20) HEALTH AND SOCIAL SERVICES.

(a) *State health planning and resource development.* Wherever the term "state health planning agency" appears in sections 51.45 (4) (j), (k) and (p) and 150.07 (4) of the statutes, the term "state health planning and development agency" is substituted.

(b) *Plumbing code transfer.* Wherever the term "health and social services" appears in section 144.24 (10) (c) of the statutes, as created by chapter 34, laws of 1979, the term "industry, labor and human relations" is substituted.

(43) PUBLIC INSTRUCTION.

(a) *Separate appropriations for public and private school pupils.* 1. Wherever the term "aids under" appears in section 20.255 (1) (bd) of the statutes, the term "aids for public school pupils under" is substituted.

2. Wherever the term "appropriation" appears in sections 115.34 (2) and 115.88 (1) of the statutes, the term "appropriations" is substituted.

3. Wherever the term "20.255 (1) (fe)" appears in section 115.34 (2) of the statutes, the term "20.255 (1) (fe) and (4) (fe)" is substituted.

4. Wherever the term "20.255 (1) (bd)" appears in section 115.88 (1) of the statutes, the term "20.255 (1) (bd) and (4) (bd)" is substituted.

(45) REGULATION AND LICENSING.

(a) *Regulation of boxing.* Wherever the term "examining board" or "athletic examining board" appears in sections 444.02 to 444.04, 444.05, as affected by chapter (Assembly Bill 560), laws of 1979, 444.06, 444.09 and 444.10, as affected by chapter (Assembly Bill 560), laws of 1979, 444.11, as affected by chapter 110, laws of 1979, 444.12, 444.13, as affected by chapter (Assembly Bill 560), laws of 1979, 444.14,

444.15, as affected by chapter (Assembly Bill 560), laws of 1979, and 444.16 to 444.18, the term "department" is substituted.

(53) TREASURER.

(a) *Abandoned property.* Wherever the term "last known" appears in sections 177.07 (2), 177.10 (intro.), 177.11 (2) (a) and 177.12 (2) of the statutes, the term "last-known" is substituted.

SECTION 2201. Program responsibility changes. In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in column C are inserted:

(1) ADMINISTRATION.

(a) *Student loans.*

A	B	C
Statute Sections	References Deleted	References Inserted
15.101 (intro.)	none	39.32 (10)(b)

(b) *Local government trust-investment fund.*

A	B	C
Statute Sections	References Deleted	References Inserted
15.101 (intro.)	25.55	none

(c) *Actions against state employes.*

A	B	C
Statute Sections	References Deleted	References Inserted
15.101 (intro.)	114.065 (3)	none

(e) *Administrator declassification review.*

A	B	C
Statute Sections	References Deleted	References Inserted
15.101 (intro.)	none	230.08 (4)(c)

(f) *Personal use of state-owned vehicles and aircraft.*

A	B	C
Statute Sections	References Deleted	References Inserted
15.101 (intro.)	none	20.916 (7)

(3) AGRICULTURE, TRADE AND CONSUMER PROTECTION.

(a) *Cigarette sales.*

A	B	C
Statute Sections	References Deleted	References Inserted
15.431 (intro.), as affected by chapter 34, laws of 1979	100.30 (5)(b) and (8)	none

(15) EMPLOYMENT RELATIONS DEPARTMENT.

(c) *Assessor certification.*

A	B	C
Statute Sections	References Deleted	References Inserted
15.171 (1)	none	73.09 (2) and (5)

(17) EXECUTIVE ADMINISTRATION.

(a) *Deposit of portion of sales and use taxes on boats and snowmobiles in conservation fund.*

A	B	C
Statute Sections	References Deleted	References Inserted
14.011 (intro.)	25.29 (6)(b)	25.29 (7)(b)

(b) *Limited trades work by purchase order.*

A	B	C
Statute Sections	References Deleted	References Inserted
14.011 (intro.)	16.87	16.87 (2)

(20) HEALTH AND SOCIAL SERVICES.

(a) *Plumbing code transfer.*

A	B	C
Statute Sections	References Deleted	References Inserted
15.191 (intro.)	30.71, 101.93, ch. 145, 236.12	none

(b) *Renumbering of chapter 159.*

A	B	C
Statute Sections 15.191 (intro.)	References Deleted ch. 159	References Inserted ch. 458

(c) *Lead poisoning prevention.*

A	B	C
Statute Sections 15.191 (intro.)	References Deleted none	References Inserted ch. 151

(25) INDUSTRY, LABOR AND HUMAN RELATIONS.

(a) *Plumbing code transfer.*

A	B	C
Statute Sections 15.221 (intro.)	References Deleted none	References Inserted 30.71, 144.24 (10), ch. 145, 236.12(2), (a), 236.13 (1)(d) and (2m), 236.335

(b) *Construction of cemetery vaults.*

A	B	C
Statute Sections 15.221 (intro.)	References Deleted none	References Inserted 157.12 (2)

(26) INSURANCE.

(a) *State property insurance fund.*

A	B	C
Statute Sections 15.101 (intro.)	References Deleted 605.23 (1)	References Inserted 20.865 (1) (f)

(28) INVESTMENT BOARD

(a) *Local government trust-investment fund.*

A	B	C
Statute Sections 15.761	References Deleted 25.55	References Inserted none

(32) JUSTICE.

(a) *Actions against state employes.*

A	B	C
Statute Sections 15.251 (intro.)	References Deleted 114.065	References Inserted none

(45) REGULATION AND LICENSING.

(a) *Renumbering of chapters 156, 158 and 159.*

A	B	C
Statute Sections 15.401 (15) 15.401 (16) 15.401 (17)	References Deleted ch. 158 ch. 159 ch. 156	References Inserted ch. 457 ch. 458 ch. 445

(46) REVENUE.

(a) *Deposit of portion of sales and use taxes on boats and snowmobiles in conservation fund.*

A	B	C
Statute Sections 15.431 (intro.)	References Deleted none none	References Inserted 30.52 (8) 350.12 (7)

(53) TREASURER.

(a) *Local government trust-investment fund.*

A	B	C
Statute Sections 14.561	References Deleted 25.55	References Inserted none

(57) VOCATIONAL, TECHNICAL AND ADULT EDUCATION.

(a) *Renumbering of chapters 158 and 159.*

A	B	C
Statute Sections 15.941 (intro.)	References Deleted 158.03 (4), 159.08 (10)	References Inserted 457.03 (4), 458.03 (10)

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SECTION 2202. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

(1) ADMINISTRATION.

(a) *Processing of university of Wisconsin system garnishments.*

A	B	C
Statute Sections	Old Cross-References	New Cross-References
812.23 (1) (c)	16.53 (1) (d) 2	16.53 (1) (d) 3

(13) EMPLOYE TRUST FUNDS.

(a) *Administrative changes.*

A	B	C
Statute Sections	Old Cross-References	New Cross-References
20.923 (5)	sub. (16)	sub. (15)
42.70 (1) (c)	42.71 (1) (e)	42.71 (1) (d)
42.70 (2) (f) 4	42.71 (1) (e)	42.71 (1) (d)
42.78 (2) (bm) 2	42.71 (1) (e)	42.71 (1) (d)
42.82 (3)	42.71 (1) (c)	42.71 (1) (b)
42.89 (6) (intro.)	42.71 (1) (e)	42.71 (1) (d)
42.89 (7)	42.71 (1) (e)	42.71 (1) (d)

(15) EMPLOYMENT RELATIONS DEPARTMENT.

(a) *Medium/maximum correctional facility.*

A	B	C
Statute Sections	Old Cross-References	New Cross-References
230.36 (3)(c) 4	46.05 (2)	46.05 (2)

(20) HEALTH AND SOCIAL SERVICES.

(a) *State health planning and resource development.*

A	B	C
Statute Sections	Old Cross-References	New Cross-References
14.25 (3), as renumbered	sub. (5)	sub. (1)

(am) *Plumbing code transfer.*

A	B	C
Statute Sections	Old Cross-References	New Cross-References
145.21 (1) and (3), as created by chapter 34, laws of 1979	20.435 (1) (cm)	20.445 (1) (cm)

(b) *Renumbering appropriation lines.*

A	B	C
Statute Sections	Old Cross-References	New Cross-References
20.435 (1) (dm)	par. (g)	par. (k)
20.435 (3) (a)	par. (km)	par. (g)
20.920 (2) (d)	20.435 (3) (km)	20.435 (3) (g)
46.07 (2) (c)	20.435 (3) (km)	20.435 (3) (g)
46.26 (4) (c)	20.435 (2) (gm)	20.435 (2) (kk)
49.52 (1) (b)	20.435 (4) (kk)	20.435 (4) (g)

(c) *Coordinated plans and budget.*

A	B	C
Statute Sections	Old Cross-References	New Cross-References
46.031 (2) (c) 5. e, as renumbered	subd. 2	subd. 3
46.031 (2) (c) 6, as renumbered	subd. 4	subd. 5

(d) *Vital statistics.*

A	B	C
Statute Sections	Old Cross-References	New Cross-References
69.45 (2)	69.35 to 69.41	69.35 to 69.38

(e) *Domestic abuse assessments.*

A	B	C
Statute Sections	Old Cross-References	New Cross-References
973.055	46.95 (1)(b)	46.95 (1)(a)

(25) INDUSTRY, LABOR AND HUMAN RELATIONS.

(a) *Mobile home standards.*

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A	B	C
Statute Sections 101.94 (3), as renumbered	Old Cross-References sub. (3)	New Cross-References sub. (4)

(26) INSURANCE.

(a) *Local government property fund.*

A	B	C
Statute Sections 608.05 (2)	Old Cross-References 605.23 (3)	New Cross-References 605.23 (2)

(33) LEGISLATURE.

(a) *Legislative council education committee.*

A	B	C
Statute Sections 13.91 (2)(c)	Old Cross-References 13.83 (2) and (4)	New Cross-References 13.83 (4)

(37) MILITARY AFFAIRS.

(a) *Medium/maximum correctional facility.*

A	B	C
Statute Sections 21.04 (1)	Old Cross-References 46.05 (2)	New Cross-References 46.058 (2)

(39) NATURAL RESOURCES.

(a) *Chapter 144 revisions.*

A	B	C
Statute Sections 20.505 (5)(c)	Old Cross-References 144.58	New Cross-References 144.95
144.24 (10)(n) 3, as affected by chapter 34, laws of 1979	144.536	144.98
144.31 (1)(a)	144.54	144.96
144.31 (1)(b)	144.54	144.96
144.31 (1)(d)	144.54	144.96
144.31 (2)(a)	144.54	144.96
144.31 (2)(b)	144.54	144.96
144.33	144.54	144.96
144.34	144.54	144.96
144.423 (1)(a), as affected by chapter 34, laws of 1979	144.54	144.96
144.433, as created by chapter 34, laws of 1979	144.54	144.96
144.44 (3)(e), as affected by chapter 34, laws of 1979	144.423	144.47
144.44 (8)(intro.), as affected by chapter 34, laws of 1979	144.423	144.47
144.96, as renumbered	144.55	144.03
147.025 (4)	144.54	144.96
147.08 (3)	144.54	144.96

(b) *Waste management fund revisions.*

A	B	C
15.251 (intro.)	144.441 (3)(d) 2	144.441 (3)(g) 2
25.45	144.441 (2)(c) and (3)	144.441 (3)
25.45	144.441 (3)(d)	144.441 (3)(g)
144.44 (4)(a)	144.441 (2)(c) or (3)	144.441 (3)
144.441 (3)(b)	sub. (2)(c)	pars. (d) to (f)
144.441 (3)(c)	sub. (2)(c)	pars. (d) to (f)

(c) *Chapter 147 revisions.*

A	B	C
Statute Sections 147.05 (1)	Old Cross-References 147.04 (2)(b) or (3)(b)	New Cross-References 147.04 (2)(b) to (f) or (4)(b)

(43) PUBLIC INSTRUCTION.

(a) *School district standards.*

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A	B	C
Statute Sections	Old Cross-References	New Cross-References
121.23 (1)	121.02 (1) (h)	121.02 (1) (f)

(45) REGULATION AND LICENSING.

(a) *Renumbering of chapters 156, 158 and 159.*

A	B	C
statute sections	Old Cross-References	New Cross-References
20.165 (2)(g)	chs. 156, 158, 159 and 440 to 459	chs. 440 to 459
59.375	156.01	445.01
69.37	156.16	445.16
69.45 (1)	156.16	445.16
155.01 (1)	ch. 156	ch. 445
155.06 (7m)	ch. 156	ch. 445
440.01 (1)(intro.), as affected by chapter 34, laws of 1979	chs. 156, 158, 159 and 440 to 459	chs. 440 to 459
440.05 (intro.)	chs. 156, 158, 159	chs. 440 to 459
440.06	chs. 156, 158, 159 and 440 to 459	chs. 440 to 459
440.09	chs. 156, 158, 159 and 440 to 459	chs. 440 to 459
445.01 (6), as renumbered	ss. 156.01 to 156.16	this chapter
445.01 (7), as renumbered	ss. 156.10 to 156.16	this chapter
445.045 (1)(f), as renumbered	156.095	445.095
445.045 (1)(g), as renumbered	156.04 and 156.05	445.04 and 445.05
445.095 (1)(b), as renumbered	ss. 156.01 to 156.16	this chapter
445.095 (4), as renumbered	ss. 156.01 to 156.16	this chapter
445.10 (2), as renumbered	ss. 156.01 to 156.16	this chapter
457.01 (14)(f), as renumbered	ch. 159	ch. 458
457.04 (5)(d), as renumbered	158.14	457.14
457.04 (5)(e), as renumbered	159.01 (3)	458.01 (3)
457.10 (1), as renumbered	158.09 (5)	457.09 (5)
457.10 (3), as renumbered	158.11 (1)(b)	457.11 (1)(b)
458.01 (9), as renumbered	159.02	458.02
458.08 (4)(a), as renumbered	159.02	458.02
458.09 (4), as renumbered	159.12	458.12
458.16, as renumbered	159.14	458.14
701.12 (1)	section 159.15	s. 458.15
	156.125 (1)	445.125 (1)

SECTION 2203. **Initial applicability.**

(1) ADMINISTRATION.

(a) *Bicycle storage racks.* The department of administration shall establish bicycle storage racks at the capitol and all state office buildings in use on the effective date of this act under section 16.84 (13) of the statutes, as created by this act, within one year after the effective date of this act.

(15) EMPLOYMENT RELATIONS DEPARTMENT.

(a) *Salary administration for unclassified positions.* The treatment of section 20.923 (15) of the statutes by this act applies to any adjustment of the salary of an individual in a position identified in section 20.923 (8), (9) and (11) to (13) of the statutes granted on or after the effective date of this act.

(18) EXECUTIVE PROGRAMS.

(a) *Council on criminal justice.* The membership, executive director and personnel and the obligations and agreements of the council on criminal justice under sections 14.017 (5), 14.27, 20.530 (2) and 20.923 (4) (d) 3m of the 1977 statutes shall continue on the general effective date of this act under SECTION 2204 (intro.).

(25) INDUSTRY, LABOR AND HUMAN RELATIONS.

(a) *Renewable energy resource refunds.* The treatment of section 101.57 (1d) and (8) (a), (e), (f) and (g) of the statutes by this act applies to all claims for refunds filed under section 101.57 of the statutes, on or after March 1, 1980, for expenses incurred on or after March 1, 1980.

(26) INSURANCE.

(a) *Notice to commissioner of termination.* Sections 632.79 (2) (b) and (3) to (6) of the 1977 statutes apply with respect to a group policy, plan or coverage terminated prior to the effective date of this act. Section 632.79 of the statutes, as affected by this act, applies with respect to a group policy, plan or coverage terminated on or after the effective date of this act.

(32) JUSTICE.

(a) *Actions against state employes.* The treatment of sections 21.13 (1) and (2), 29.05 (3), 114.065, 345.05 (title), (1) (b), (2), (3) and (4), 895.45 (1) and (4) and 895.46 (1) (a) of the statutes by this act applies only if the cause of action accrues on or after the effective date of this act under SECTION 2204 (intro.).

(33) LEGISLATURE.

(a) *Dates for publication of administrative register.* The treatment of sections 35.93 (3), 227.021 (2) and 227.026 (1) (d) and (3) of the statutes by this act concerning the publication dates of the Wisconsin administrative register applies commencing on October 1, 1980.

(35) LOCAL AFFAIRS AND DEVELOPMENT.

(a) *Natural disaster aid.* All expenditures under section 20.545 (3) (c) of the statutes made prior to the effective date of this act and after June 30, 1978 and for the purpose of providing reimbursement for food losses resulting from natural disasters, are authorized.

(37) MILITARY AFFAIRS.

(a) *Penalties for offenses.* The treatment of section 21.11 (2), 21.14, 21.145, 21.15, 21.155, 21.16 (1), 21.17 (3) and 21.63 of the statutes by this act applies to all offenses occurring on or after the effective date of this act.

(39) NATURAL RESOURCES.

(a) *Solid waste disposal site approval.* The treatment of sections 144.44 (2) (b) and (d) to (f), (3) (c) and (4) (a) of the statutes by this act applies with respect to any person who submits a feasibility report under section 144.44 (2) (b) of the statutes on or after the effective date of this act.

(b) *Air pollution control revisions.* 1. 'Reconstruction.' Until the department of natural resources promulgates rules under section 144.31 (1) (p) of the statutes, as created by this act, the department of natural resources shall determine what actions or events constitute reconstruction on a case-by-case basis, consistent with the definition of reconstruction and other relevant provisions of the federal clean air act (42 USC 7401 et seq.), as amended on the effective date of this act, and regulations issued by the U.S. environmental protection agency under that act.

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2. 'Permit approval; exemptions; specified amounts of emissions.' Until the department of natural resources promulgates rules under section 144.393 (4) (b) of the statutes, as affected by this act, the department of natural resources shall determine the requirements of section 144.393 (4) (b) of the statutes, as affected by this act, on a case-by-case basis.

3. 'Nonattainment areas.' Until the department of natural resources promulgates rules under section 144.371 (1) of the statutes, as created by this act, the department of natural resources shall determine the requirements of section 144.371 (1) of the statutes, as created by this act, on a case-by-case basis.

(41) PERSONNEL COMMISSION.

(a) *State agency fair employment appeals.* The treatment of section 111.33 (2) of the statutes by this act applies to appeals filed with the personnel commission under section 111.33 (2) of the statutes on or after the effective date of this act.

~~(43) PUBLIC INSTRUCTION.~~

Vetoed
in Part

~~(b) *Special education programs, state aid.* The treatment of section 115.88 of the statutes by this act applies initially to state aid paid in fiscal year 1981-82 for costs incurred in school year 1980-81.~~

(46) REVENUE.

(a) *Inheritance tax; instalment payments.* The treatment of section 72.22 (4) (a) of the statutes by this act applies to all transfers because of deaths occurring on or after July 1, 1979.

(b) *Contested tax deposits.* The treatment of sections 20.855 (4) (a), 71.12 (1) and (2) and 77.59 (6) (c) of the statutes by this act applies to petitions for redetermination filed on or after the first day of the 7th month commencing after publication of this act.

(c) *Appeal period.* The treatment of sections 71.09 (7) (k) and (n) and (11) (i) and (n), 71.12 (1), 72.86 (1), 73.01 (5) (a) and 77.59 (6) (intro.) and (a) of the statutes by this act applies to appeals of notices of assessments or refunds, notices of denials of refunds and notices of determinations and redeterminations issued on and after the first day of the 7th month commencing after publication of this act.

(d) *Income tax overpayment and underpayment.* The treatment of section 71.21 (12) of the statutes by this act applies to taxable year 1980 and thereafter.

(e) *Withdrawal of erroneous tax warrants.* The treatment of section 71.13 (3) (fm) of the statutes by this act applies to warrants discovered to be erroneous on or after the effective date of this act.

(f) *Annual sales tax return.* The treatment of sections 77.58 (2) (a), 77.59 (2), (3) (intro.) and (4) (intro.) and 77.60 (1) and (6) of the statutes by this act apply to the taxable year 1981 and thereafter.

(g) *Deductibility of sales taxes.* The treatment of section 71.04 (3) of the statutes by this act applies to the taxable year 1980 and thereafter.

(h) *Net income of DISC, parent and affiliated corporations.* The treatment of section 71.11 (7r) of the statutes by this act applies to the taxable year 1980 and thereafter.

(i) *Corporate dividends.* The treatment of section 71.04 (4) (a) and (b) of the statutes by this act applies to the taxable year 1980 and thereafter.

Vetoed
in Part (j) *Tax incremental districts.* 1. The treatment of section 66.46 (2) (f) (intro.), 10 and 11 and (4) (c), (d) and (f) of the statutes by this act applies to tax incremental districts created after September 30, 1981.

Vetoed
in Part 2. The treatment of sections 66.46 (5) (d), (6) (a) (intro.) and (11) (a) of the statutes by this act applies to tax incremental districts created after September 30, 1980.

(k) *Assessor certification.* The treatment of section 73.09 of the statutes by this act applies to certifications issued after December 31, 1980.

~~(l) *Capital gains on sale of principal residence.* The treatment of sections 71.02 (2) (q), 71.05 (1) (a) 14 and 71.05 (1) (b) 10 of the statutes by this act applies to taxable year 1982 and thereafter.~~

Vetoed
in Part

(m) *Property tax exemption for waste treatment plants.* The treatment of section 70.11 (21) (a) of the statutes by this act applies to the taxable year 1981 and thereafter.

(p) *Manufacturing property.* The treatment of sections 70.511 (2) (b), 70.995 (8) (a) and (12) and 73.01 (4) (g) of the statutes by this act applies to property taxes and report forms for the taxable year 1981 and thereafter.

(58) OTHER.

(a) *Reimbursements for portage tips.* Until such time as the joint committee on employment relations initially approves guidelines for the reimbursement of portage tips under section 20.916 (8) (a) of the statutes, as affected by this act, state officers and employes may be reimbursed for such tips at a rate not exceeding \$1 for each stay at a place of lodging.

SECTION 2204. Effective dates. All sections of this act take effect on the day following publication, unless another date is provided in such sections and except as further provided in this section.

(1) ADMINISTRATION.

(a) *Treatment of unanticipated moneys received.* The treatment of section 20.865 (5) (g) and (m) of the statutes by this act takes effect on July 1, 1980, or on the day after publication, whichever is later.

(3) AGRICULTURE, TRADE AND CONSUMER PROTECTION.

(a) *Cigarette tax.* The treatment of sections 20.566 (1) (gm), 93.07 (24) (intro.), 100.30 (2) (a), (c) and (5) (b), (7) and (8), 139.30 (8) to (10) and 139.34 (3) of the statutes by this act and SECTION 2201 (3) (a) takes effect on July 1, 1980, or the day after publication, whichever is later.

(b) *Milk inspection and certification fee increase.* The treatment of section 97.24 (5) of the statutes by this act takes effect on July 1, 1980.

(18) EXECUTIVE PROGRAMS.

(a) *Council on criminal justice.* The repeal of sections 14.017 (5), 14.27, 20.530 (2) and 20.923 (4) (d) 3m of the statutes by this act takes effect June 30, 1984.

(20) HEALTH AND SOCIAL SERVICES.

~~(a) *Plumbing code transfer.* The treatment of sections 15.197 (4) (intro.), (d) and (g), 20.435 (1) (cm) and (gm), 20.445 (1) (cm) and (i), 30.71, 101.63 (1), (2) and (4), 101.73 (2) and (4), 101.93, 140.05 (7), 144.24 (10) (a) 2 and (b), 145.01 (5), 145.02 (4), 145.024, 145.03, 145.16, 145.17 (2), 145.23 (title), 236.12 (2) (a), 236.13 (1) (d) and (2m) and 236.335 of the statutes, of chapter 34, laws of 1979, SECTION 2104 (20) (a) and of SECTIONS 2020 (6), (7), (8) and (10), 2025 (1), (3), (4), (5) and (6), 2125 (1) and (2), (20) (a) and (25) (a), 2200 (20) (b), 2201 (20) (a) and (25) (a) and 2202 (20) (am) [of this act] takes effect on the first day of the 6th month commencing after its publication.~~

Vetoed
in Part

(b) *Licensing fees exemption for community-based residential facilities.* The treatment of section 140.85 (3) of the statutes by this act takes effect on January 1, 1981.

(c) *Psychiatric resident status and salary determination.* The creation of sections 20.923 (18) [17] and 230.08 (2) (u) of the statutes by this act takes effect on July 1, 1980.

(d) *Liability for care and maintenance of persons at state institutions.* The treatment of section 46.10 (14) of the statutes by this act takes effect on January 1, 1981, for care and maintenance provided on and after January 1, 1981.

Vetoed in Part (e) ~~*General relief policies and procedures.* The treatment of section 49.02 (8) of the statutes by this act takes effect on January 1, 1981.~~

(f) *General relief procedural rights.* The treatment of section 49.035 of the statutes by this act takes effect on the first day of the 6th month commencing after its publication.

(g) *Medical assistance appropriations structure.* The treatment of section 20.435 (1) (b) of the statutes and the creation of 20.435 (1) (bm) of the statutes by this act takes effect on July 1, 1980.

(h) *Foster parent liability insurance.* The creation of sections 20.435 (2) (de) and 48.627 by this act take effect on July 1, 1980, or the general effective date of this act, whichever is later.

(i) *Radiation monitoring.* The creation of sections 20.435 (1) (h) and 140.61 of the statutes by this act takes effect on July 1, 1980 or on the general effective date of this act, whichever is later.

(25) INDUSTRY, LABOR AND HUMAN RELATIONS.

(a) *Crime victim compensation program administration.* The treatment of section 20.445 (1) (b) of the statutes by this act takes effect on July 1, 1980.

(b) *Private sewage system ordinances.* The treatment of sections 59.065, 145.045 (3), 145.135 (1), 145.19, 145.20 (1), (2) (intro.) and (g) and (3) and 145.21 of the statutes by this act takes effect on July 1, 1980.

Vetoed in Part (c) ~~*Weatherization labels.* The treatment of sections 101.63 (10) and 101.73 (13) of the statutes by this act takes effect September 1, 1980.~~

(d) *Rental unit energy efficiency.* 1. The treatment of sections 101.122 (6) and 706.05 (12) of the statutes by this act takes effect on the effective date of the rules under section 101.122 (4) (a) of the statutes, as created by this act.

2. The treatment of section 101.122 (6m) of the statutes by this act takes effect on January 1, 1985.

(e) *Unemployment compensation coverage of contractors.* The treatment of section 108.02 (3) (a) of the statutes and the creation of section 108.02 (3) (e) of the statutes by this act takes effect on October 1, 1980.

(26) INSURANCE.

(a) *State property insurance fund.* The treatment of sections 16.865 (4) to (6), 20.145 (3) (intro.) and (v), 20.865 (1) (f), (fm) (title), (L) (title), (Lm) (title), (v) (title) and (vm) (title), 25.17 (1) (s), 227.01 (11) (v), 604.02 (1) (a), 605.01, 605.02, 605.09, 605.21 (1) and (2) and 605.23 (1) to (4) and chapter 605 (title) of the statutes, and the creation of section 16.865 (4) of the statutes, by this act, take effect on July 1, 1980, or on the day after publication, whichever is later.

(b) *Reports by health professional liability insurers.* The treatment of section 625.35 of the statutes by this act takes effect on the date which is 30 days after the general effective date of the 1981 executive budget bill.

(c) *Liquidation of the temporary workers compensation insurance security fund.* The treatment of sections 20.145 (6) (u) and (v), 646.11 (1) and (2) (a) and (b) and 646.71 of the statutes by this act takes effect on July 1, 1980, or on the day after publication, whichever is later.

(d) *Insurance rates.* The repeal of section 632.32 (7) of the statutes by this act takes effect on the first day of the month commencing 2 years after publication of this act.

(30) JUDICIAL COMMISSION.

(a) *Appropriation language changes.* The treatment of section 20.665 (1) (b) of the statutes by this act takes effect on the day after publication or July 1, 1980, whichever is later.

(b) *Contractual agreements.* The creation of section 20.665 (1) (c) of the statutes by this act takes effect on July 1, 1980.

(33) LEGISLATURE.

(a) *Legislative reference bureau bill drafting and typing.* SECTION 2133 (3) of this act takes effect on July 1, 1980.

(b) *Reconciliation.* The creation of section 893.36 of the statutes by this act takes effect on the day after publication of this act or on the effective date of chapter (Assembly Bill 326), laws of 1979, whichever is later and is void if chapter (Assembly Bill 326), laws of 1979, does not take effect. On the date chapter (Assembly Bill 326), laws of 1979, takes effect section 893.213 of the statutes as created by chapter 144, laws of 1979 is repealed.

(35) LOCAL AFFAIRS AND DEVELOPMENT.

(a) The repeal of section 20.545 (3) (e) of the statutes by this act takes effect on July 2, 1980.

(39) NATURAL RESOURCES.

(a) *Water regulation permit fee exemptions.* The creation of sections 30.28 (3) and 31.39 (3) of the statutes by this act takes effect on July 1, 1980.

(b) *General fund reimbursement.* The repeal of section 20.370 (3) (ms) of the statutes, as created by this act, takes effect on June 30, 1980.

(c) *Deposit of a portion of sales and use taxes in conservation fund.* The treatment of sections 25.29, 30.52 (4) (a) and 350.12 (3) (d) of the statutes and the creation of sections 25.29 (1) (b), 30.52 (8) and 350.12 (7) of the statutes by this act take effect on July 1, 1980.

(d) *Creation of appropriation for nonpoint source local implementation aids.* The creation of section 20.370 (4) (ce) of the statutes by this act takes effect on July 1, 1980.

(e) *Hunter's choice permit preference.* The treatment of s. 29.108 of the statutes by this act takes effect on July 1, 1981.

(f) *Waste oil recycling.* The creation of section 144.48 of the statutes by this act takes effect on the first day of the 12th month commencing after its publication.

(g) *Air resource allocation council sunset.* The repeal of sections 15.347 (5) and 144.355 of the statutes, both as created by this act, by SECTIONS 46s and 627gh of this act takes effect on January 2, 1984.

~~(h) Toxic site study appropriation repeal. The repeal of section 20.370 (1) (ba) of the statutes, as created by this act, by SECTION 98p of this act takes effect on July 1, 1981.~~ Vetoed in Part

(j) *Snowmobile trail areas aids.* The creation or treatment of sections 20.370 (4) (bt), 78.75 (title) and (1) (a) and 350.12 (4) (b) (intro.), 1 and 4 of the statutes by this act takes effect on July 1, 1980.

(43) PUBLIC INSTRUCTION.

(a) *Tuition payments.* The treatment of section 121.79 (1) (c) of the statutes by this act takes effect on July 1, 1980.

(c) *Repeal of special educational needs program.* The treatment of sections 20.255 (1) (dd) and 119.04 (1) and subchapter V of chapter 115 of the statutes by this act takes effect on July 1, 1981.

(d) *Declining enrollment increment.* The treatment of section 121.004 (8) (c) of the statutes by this act takes effect on July 1, 1980.

(e) *State aid for school lunches in private schools.* The treatment of sections 20.255 (1) (fe) and 115.34 (2) of the statutes by this act takes effect on July 1, 1980.

(em) *Cost control appeals.* The creation of section 121.91 (2) (j) to (L) of the statutes by this act takes effect July 1, 1980.

(f) *Repeal of cost control appeals.* The repeal of section 121.91 (2) of the statutes by this act takes effect July 1, 1981.

(g) *Parent contracts for transportation of private school pupils.* The treatment of section 121.55 (4) of the statutes by this act takes effect July 1, 1980.

Partial
Veto
Overruled

(h) *Controllable cost percentage.* The treatment of section 121.91 (1) of the statutes by this act takes effect July 1, 1980.

(j) *Special transfer aid.* The treatment of section 121.85 of the statutes by this act takes effect July 1, 1980.

(k) *Separate appropriations for public and private school pupils.* The treatment of sections 20.255 (1) (fg), 20.255 (4), 121.007 and 121.58 (6) of the statutes by this act and SECTION 2200 (43) (a) of this act takes effect July 1, 1981.

(45) REGULATION AND LICENSING.

(a) *Athletic examining board.* The treatment of sections 15.401 (4), 15.405 (3), 444.01 and chapter 444 (title) of the statutes and SECTION 2200 (45) of this act by this act takes effect July 1, 1980.

(46) REVENUE.

(d) *Property tax exemption for nonprofit hospitals.* The treatment of section 70.11 (4m) of the statutes by this act takes effect January 1, 1981.

(e) *Standardized valuation.* The treatment of section 79.03 (3) (b) 5 of the statutes by this act takes effect on January 1, 1981.

(f) *Tax rates for motor fuels and special fuels.* The treatment of sections 78.01 (1), 78.12 (4) (b), 78.14, 78.40 (1) and 78.49 (3) of the statutes by this act takes effect on May 1, 1980 or the day following publication of this act, whichever is later.

(g) *Parking facilities.* The treatment of section 77.52 (2) (a) 9 of the statutes by this act takes effect on the first day of the 2nd month commencing after publication.

(48) SECRETARY OF STATE.

(a) *Fees and annual reports.* The treatment of sections 132.01 (3), 137.01 (1) (a) and (2) (a), 180.87 (1) (a) to (i) and (k) to (n) and 181.68 (1) (a) of the statutes by this act takes effect on July 1, 1980, or on the day after publication of this act, whichever is later. The treatment of sections 180.791 (1) (e), (2) and (3), 180.793 (1) to (4), 180.87 (1) (j) and (p), 180.99 (11), 185.48 (1) (d) and (2) to (6) and 185.83 (1) (e) of the statutes by this act takes effect January 1, 1981.

(b) *Fees for administration.* The treatment of section 20.575 (1) (g) of the statutes by this act takes effect July 1, 1981.

(52) TRANSPORTATION.

(b) *Connecting highways and swing and lift bridges.* The treatment of sections 20.395 (1) (as) and (au) and (9) (ar) and 86.32 (2) and (3) of the statutes by this act takes effect July 1, 1980.

(d) *Traffic violation and registration program.* The treatment of section 20.395 (5) (fa) of the statutes by this act takes effect on July 1, 1980.

Vetoed
in Part

~~(e) *Personalized plates for motorcycles and mopeds.* The treatment of sections 341.145 (1) (a), 342.15 (4) (a) and 342.34 (1) (c) of the statutes by this act takes effect on January 1, 1981.~~

(f) *Mandatory revocation for fleeing an officer.* The treatment of sections 343.30 (1m), 343.31 (1) (i) and (3) of the statutes by this act takes effect on the first day of the 3rd month commencing after publication and applies to all offenses occurring on or after that date.

~~(g) *Signs.* The creation of section 86.195 of the statutes by this act takes effect on the first day of the 3rd month commencing after publication.~~ **Vetoed in Part**

(h) *Fee increases.* The treatment of sections 194.04 (4) (a) to (c), 218.01 (2) (d) 1, 2, 5 and 6, 218.12 (2), 341.17 (8), 341.405 (2), 341.41 (7), 341.57 (2), 342.09 (3), 342.14 (1), (2), (3) and (5), 343.21 (1) (a), (ba) and (d) to (j) and 343.24 of the statutes by this act takes effect on July 1, 1980.

(i) *Driver's licenses.* The treatment of section 343.16 (1) (a) 1 of the statutes by this act takes effect July 1, 1981.

(j) *Speed limit enforcement.* The treatment of section 343.32 (2) (b) of the statutes by this act takes effect on July 1, 1980, and applies to all offenses occurring on or after that date.

(k) *Busses.* The treatment of section 340.01 (31) of the statutes by this act takes effect on January 1, 1981.

(L) *Oversize and overweight permit fees.* The treatment of section 348.25 (8) of the statutes by this act takes effect on July 1, 1980.

(56) VETERANS AFFAIRS.

(a) *Annual income limitation.* The treatment of section 45.74 (1) of the statutes by this act takes effect July 1, 1980.

(57) VOCATIONAL, TECHNICAL AND ADULT EDUCATION.

(a) *District board employe bonds and district loans.* The treatment of sections 38.12 (2) (a) and (b), 38.14 (10), 38.28 (1m) (a) and 67.12 (8m) of the statutes by this act takes effect on July 1, 1980.

~~(b) *Controllable cost percentage.* The treatment of section 38.29 (2) of the statutes by this act takes effect July 1, 1980.~~ **Vetoed in Part**

(58) OTHER.

~~(b) *Inflation supplements.* The treatment of sections 20.865 (1) (fo), (Lo) and (vo) of the statutes by this act takes effect on June 30, 1980.~~ **Vetoed in Part**

(c) *Repeal of board of soil and water conservation appropriation for nonpoint source pollution aids.* The repeal of section 20.855 (2) (c) of the statutes by this act takes effect on June 30, 1980.