

1989 Senate Bill 31

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1989 Wisconsin Act 31

(Vetoed in Part)

AN ACT relating to state finances and appropriations, constituting the general executive budget bill of the 1989 legislature, and making appropriations.

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

SECTION 1. 5.02 (5), (18) and (23) of the statutes are amended to read:

5.02 (5) "General election" means the election held in even-numbered years on the Tuesday after the first Monday in November to elect United States senators, representatives in congress, presidential electors, state senators, representatives to the assembly, district attorneys, state officers other than the state superintendent and judicial officers, and county officers other than supervisors and county executives.

(18) "September primary" means the primary held the 2nd Tuesday in September to nominate candidates to be voted for at the general election, and to determine which candidates for state office offices other than district attorney may participate in the Wisconsin election campaign fund.

(23) "State office" means the offices of governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent of public instruction, justice of the supreme court, court of appeals judge, circuit court judge, state senator and, state representative to the assembly and district attorney.

SECTION 3. 5.05 (7) of the statutes is amended to read:

5.05 (7) (title) ADMINISTRATIVE MEETINGS AND CONFERENCES. The board shall conduct regular information and training meetings at various locations in the state for county and municipal clerks and other election officials. Such Administrative meetings shall be designed to explain the election laws and the forms and rules of the board, to promote uniform procedures and to assure that clerks and other officials are made aware of the integrity and importance of the

vote of each citizen. The board may conduct conferences relating to election laws, practice and procedure. The board may charge persons attending the administrative meetings and conferences for its costs incurred in conducting the meetings and conferences at a rate not exceeding the per capita cost incurred by the board.

SECTION 4. 5.62 (1) (a) of the statutes is amended to read:

5.62 (1) (a) At September primaries, the following ballot shall be provided for the nomination of candidates of recognized political parties for national, state and county offices and independent candidates for state office in each ward, in the same form as prescribed by the board under s. 7.08 (1) (a). The ballots shall be made up of the several party tickets with each party entitled to participate in the primary under par. (b) or sub. (2) having its own ballot. The independent candidates for state office other than district attorney shall have a separate ballot for all such candidates as under s. 5.64 (1) (e). The ballots shall be secured together at the bottom. The party ballot of the party receiving the most votes for president or governor at the last general election shall be on top with the other parties arranged in descending order based on their vote for president or governor at the last general election. The ballots of parties qualifying under sub. (2) shall be placed after the parties qualifying under par. (b), in the same order in which the parties filed petitions with the board. The ballot listing the independent candidates shall be placed at the bottom. At polling places where voting machines are used, each party and the independent candidates shall be represented in one or more separate columns or rows on the ballot. At polling places where an electronic voting system is used other than an electronic voting

machine, each party and the independent candidates may be represented in separate columns or rows on the ballot.

SECTION 5. 5.62 (3) of the statutes is amended to read:

5.62 (3) The board shall designate the official primary ballot arrangement for statewide offices and district attorney within each prosecutorial district by using the same procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate column or row on the ballot, the candidates for office shall be listed together with the offices which they seek in the following order whenever these offices appear on the September primary ballot: governor, lieutenant governor, attorney general, secretary of state, state treasurer, U.S. senator, U.S. representative in congress, state senator, representative to the assembly, district attorney and the county offices. Below the names of the independent candidates shall appear the party or principle of the candidates, if any, in 5 words or less, as shown on their nomination papers.

SECTION 6. 5.64 (1) (e) of the statutes is amended to read:

5.64 (1) (e) Within each column, each space shall state the office to be voted for directly above the candidate's first and last name. The candidate's name shall be placed in the party column by which nominated or if independent, in a column designated independent and all candidates for the same office shall appear within the same rows on the ballot. Below the names of the independent candidates shall appear the party or principle of the candidates, if any, in 5 words or less, as shown on their nomination papers. Independent candidates for the same county office shall be listed in the same manner in an order drawn by lot by or under supervision of the county clerk or board of election commissioners. The board shall conduct a redrawing for purposes of determining the arrangement of independent candidates for state office who appeared on the primary ballot in the manner provided in s. 5.60 (1) (b). To the right of each candidate's name, in each column, shall be a square for the elector to make his or her cross (X).

SECTION 7. 6.28 (1) and (3) of the statutes are amended to read:

6.28 (1) REGISTRATION LOCATIONS; DEADLINE. Registration in person for any election shall close at 5 p.m. on the 2nd Wednesday preceding the election. Registrations made by mail under s. 6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later than the 2nd Wednesday preceding the election. All applications for registration corrections and additions may be made throughout the year at the office of the city board of election commissioners, at the office of the municipal clerk, at the office of any issuing officer under s. 125.08 (2) (e) register of deeds or at other locations provided by the board of election commissioners or the common council in cities over 500,000 population or by either or both the municipal

clerk, or the common council, village or town board in all other municipalities and may also be made during the school year at any high school by qualified persons under sub. (2) (a). Other registration locations may include but are not limited to fire houses, police stations, public libraries, institutions of higher education, supermarkets, community centers, plants and factories, banks and savings and loan institutions. Special registration deputies shall be appointed for all locations.

(3) AT OFFICE OF REGISTER OF DEEDS. Any person who ~~makes application for an identification card under s. 125.08 and who~~ resides in a municipality requiring registration of electors shall be given an opportunity to register to vote at the ~~same time by the issuing officer under s. 125.08~~ office of the register of deeds. An applicant may fill out the required registration affidavit form under s. 6.33. The ~~officer~~ register of deeds shall administer the oath upon request of any elector without compensation. Upon receipt of a completed form, the ~~issuing officer~~ register of deeds shall forward the form within 5 days to the appropriate municipal clerk, or to the board of election commissioners in cities over 500,000 population. The ~~issuing officer~~ register of deeds shall forward the form immediately whenever registration closes within 5 days of receipt.

~~SECTION 7m. 6.30 (4) of the statutes is renumbered 6.30 (4) (a).~~

~~SECTION 7n. 6.30 (4) (b) of the statutes is created to read:~~

~~6.30 (4) (b) 1. Any eligible elector may register by mail upon a form prescribed by the board and provided with the notice of operator's license renewal under s. 343.20 (2). The form shall:~~

~~a. Be designed to obtain the information required in ss. 6.33 (1) and 6.48 (1) (a) and (b);~~

~~b. Provide for substantiation by 2 other electors residing in the same municipality in which the elector resides, corroborating all material statements in the registration form;~~

~~c. Be designed so that it may be included with the notice of operator's license renewal under s. 343.20 (2) without increasing the cost to the department of transportation of mailing the notice; and~~

~~d. Be prepostpaid for return to the board when mailed at any point within the United States.~~

~~2. The board shall prepare concise explanatory material relating to elector registration under this paragraph to accompany the elector registration form described in subd. 1.~~

~~3. The board shall furnish the forms and explanatory material under this paragraph to the department of transportation.~~

~~4. Upon receipt of a completed registration form described under subd. 1, the board shall mail the form to the appropriate municipal clerk.~~

Vetoed
in Part

SECTION 8. 6.33 (1) of the statutes is amended to read:

6.33 (1) The municipal clerk shall supply sufficient registration forms as prescribed by the board printed on loose-leaf sheets or cards to obtain from each applicant information as to name, date, residence location, citizenship, age, whether the applicant has resided within the ward for at least 10 days, whether the applicant has lost his or her right to vote, and whether the applicant is currently registered to vote at any other location, and shall provide a space for the applicant's signature. Each ~~issuing officer under s. 125.08 (2) (e)~~ register of deeds shall obtain sufficient registration affidavit forms at the expense of the unit of government by which he or she is employed for completion by any elector who desires to register to vote ~~at the same time that he or she makes application for an identification card under s. 125.08.~~

SECTION 9. 6.55 (7) (c) 2 of the statutes is amended to read:

6.55 (7) (c) 2. A Wisconsin identification card issued under s. 125.08, 1987 stats.

~~SECTION 9e. 6.56 (2) of the statutes is amended to read:~~

Vetoed
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~~6.56 (2) Upon receipt of the list, the municipal clerk shall make a check to determine whether each person who has been allowed to vote under s. 6.55 (3) is properly registered. If so, the clerk shall correct the registration list. If the address on the registration list is not correct, the clerk shall correct the address. The clerk shall then notify the elector by postcard when he or she is properly registered. If such person is found not to be properly registered, the clerk shall send the person a 1st class letter with that information, containing a mail registration form under s. 6.30 (4) (a). The letter shall be marked "ADDRESS CORRECTION REQUESTED". If such letter is returned undelivered, or if the U.S. postal service notifies the clerk of an improper address which was apparently improper on the day of the election, the clerk shall notify the district attorney.~~

~~SECTION 9r. 7.08 (1) (c) of the statutes is amended to read:~~

~~7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (3) and (4), 6.33 (1), 6.40 (1) (b), 6.55 (2) and (3), 6.79 (5) and 6.86 (2) and (3). All such forms shall contain a statement of the penalty applicable to false or fraudulent registration or voting through use of the form. Form except as provided under s. 6.30 (4) (b) 3, forms are not required to be furnished by the board.~~

~~SECTION 9s. 7.08 (5) of the statutes is created to read:~~

~~7.08 (5) REGISTRATION INFORMATION. Prepare and distribute information for the general public describing the requirements for and means of elector registration in this state. The manner, frequency and extent of distribution shall be determined by the board.~~

SECTION 10. 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 showing the numbers of votes cast for the offices of president and vice president; state officials; U.S. senators and representatives in congress; state legislators; justice; court of appeals judge; circuit judges; district attorneys; municipal judges, if they are elected under s. 755.01 (4); and metropolitan sewerage commissioners, if the commissioners are elected under s. 66.23 (11) (am). For partisan candidates, the statements shall include the political party or principle designation, if any, next to the name of each candidate. The board of canvassers shall also prepare a statement showing the results of any county, vocational district or statewide referendum. Each statement shall state 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; the number of votes cast for each person; and the number of votes cast for and against any question submitted at a referendum. The board of canvassers shall use one copy of the statement to report to the elections board or vocational district board and shall file the other statement in the office of the county clerk or board of election commissioners.

(5) REPORTING. Immediately following the canvass the county clerk shall deliver or send to the elections board, by 1st class mail, 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; circuit judge; district attorney; municipal judge, if elected under s. 755.01 (4); and metropolitan sewerage commissioners, if the commissioners are elected under s. 66.23 (11) (am). The statement shall record the returns for each office or referendum by ward, unless combined returns are authorized under s. 5.15 (6) (b) in which case the statement shall record the returns for each group of combined wards. Following primaries the county clerk shall enclose on blanks prescribed by the elections board the names, party or principle designation, if any, and number of votes received by each candidate recorded in the same manner. The county clerk shall deliver or transmit the certified statement to the elections board no later than 7 days after each primary and no later than 10 days after any other election. The board of canvassers shall deliver or transmit a certified copy of each statement for any vocational district referendum to the secretary of the district board of vocational, technical and adult education. If the board of canvassers becomes aware of a material mistake in the canvass of an election for state or national office or a statewide or vocational district referendum prior to the close of business on the day the elections board receives returns from the last county board of canvassers with respect to that canvass, the board of canvassers may petition the elections board to reopen and correct the canvass. The elections board shall

direct the canvass to be reopened and corrected if it determines that the public interest so requires. If the elections board directs the canvass to be reopened, the board of canvassers shall reconvene and transmit a certified corrected copy of the canvass statement to the elections board or secretary of the district board of vocational, technical and adult education.

SECTION 11. 7.70 (3) (d) and (e) 1 of the statutes are 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; district attorney; municipal judge, if he or she is elected under s. 755.01 (4); metropolitan sewerage commission, if the commissioners are elected under s. 66.23 (11) (am); and for any referenda questions submitted by the legislature.

(e) 1. After each September primary, the name of each candidate not defeated in the primary who receives at least 6% of the total vote cast for all candidates on all ballots at the primary for each separate state office except district attorney, and the percentage of the total vote received by that candidate. Such percentage shall be calculated within each district in the case of legislative candidates.

SECTION 12. 8.15 (6) (dm) of the statutes is created to read:

8.15 (6) (dm) For district attorneys, not less than 500 nor more than 1,000 electors in prosecutorial units over 100,000 population and not less than 200 nor more than 400 electors in prosecutorial units of 100,000 population or less.

SECTION 13. 8.16 (5) of the statutes is amended to read:

8.16 (5) Any candidate for a partisan state office except district attorney may also qualify for payments under s. 11.50 if the candidate meets the requirements specified in s. 11.50; however, a candidate who qualifies under this section for placement on the official ballot at the general election shall appear on such ballot regardless of whether he or she qualifies for payments under s. 11.50.

SECTION 14. 8.25 (5) of the statutes is created to read:

8.25 (5) DISTRICT ATTORNEY; TERM. A district attorney shall be elected for each prosecutorial unit specified in s. 978.01 at the general election in 1990 and biennially thereafter. The regular term of the office of

district attorney commences on the first Monday in January next succeeding the officer's election.

SECTION 15. 8.50 (intro.) of the statutes is amended to read:

8.50 Special elections. (intro.) Unless otherwise provided, this section applies to filling vacancies in the U.S. senate and house of representatives, executive state offices except the offices of governor ~~and~~, lieutenant governor ~~and~~ district attorney, judicial and legislative state offices, county offices and the offices of municipal judge and member of the board of school directors in school districts organized under ch. 119. State legislative offices may be filled in anticipation of the occurrence of a vacancy whenever authorized in sub. (4) (e). No special election may be held after February 1 preceding the spring election unless it is held on the same day as the spring election, nor after September 1 preceding the general election unless it is held on the same day as the general election, until the day after that election. If the special election is held on the day of the general election, the primary for the special election, if any, shall be held on the day of the September primary. If the special election is held on the day of the spring election, the primary for the special election, if any, shall be held on the day of the spring primary.

SECTION 16. 9.10 (1) (a) of the statutes is amended to read:

9.10 (1) (a) The qualified electors of the state, of any county, city, village, town, ~~or~~ of any congressional, legislative, judicial or school district, or of any prosecutorial unit may petition for the recall of any incumbent elective official after the first year of the term for which the official is elected by filing a petition with the same official or agency with whom nomination papers or declarations of candidacy for the office are filed demanding the recall of the officeholder.

SECTION 17. 10.01 (2) (c) of the statutes is amended to read:

10.01 (2) (c) Type C--The type C notice shall be entitled "Notice of Referendum". The notice shall be given whenever a referendum is held. The notice shall contain the date of the referendum, the entire text of the question and the proposed enactment, if any, as well as an explanatory statement of the effect of either a "yes" or "no" vote. For state questions, the statement shall be prepared by the attorney general. For county questions, the statement shall be prepared by the corporation counsel, ~~or if there is no corporation counsel, by the district attorney~~. For other questions, the statement shall be prepared by the attorney for the jurisdiction in which the question is submitted. County clerks and, for questions submitted by municipalities or special purpose districts, the clerk of the municipality or special purpose district shall publish the type C notice once at the same time that the type B notice is published. The type C notice shall be printed in the newspaper as close as possible to that portion of

the type B notice showing the facsimile referendum ballot.

SECTION 18. 10.02 (3) (b) 2m of the statutes is amended to read:

10.02 (3) (b) 2m. At the September primary, the elector shall select the party ballot of his or her choice or the ballot containing the names of the independent candidates for state office, and make a cross (X) in the square at the right of or depress the lever or button next to the candidate's name for each office for whom the elector intends to vote or insert or write in the name of the elector's choice for a party candidate, if any. In order to qualify for participation in the Wisconsin election campaign fund, a candidate for state office at the September primary, other than a candidate for district attorney, must receive at least 6% of all votes cast on all ballots for the office for which he or she is a candidate, in addition to other requirements.

SECTION 21. 11.26 (1) (cn) and (cw) and (2) (cn) and (cw) of the statutes are amended to read:

11.26 (1) (cn) Candidates for circuit judge in circuits having a population of more than 300,000, or candidates for district attorney in prosecutorial units having a population of more than 300,000, \$3,000.

(cw) Candidates for circuit judge in other circuits or candidates for district attorney in other prosecutorial units, \$1,000.

(2) (cn) Candidates for circuit judge in circuits having a population of more than 300,000, or candidates for district attorney in prosecutorial units having a population of more than 300,000, \$3,000.

(cw) Candidates for circuit judge in other circuits or candidates for district attorney in other prosecutorial units, \$1,000.

SECTION 22. 11.50 (1) (a) 1 and 2 of the statutes are amended to read:

11.50 (1) (a) 1. With respect to a spring or general election, any individual who is certified under s. 7.08 (2) (a) as a candidate in the spring election for justice or state superintendent, or an individual who receives at least 6% of the vote cast for all candidates on all ballots for any state office, except district attorney, for which the individual is a candidate at the September primary and who is certified under s. 7.08 (2) (a) as a candidate for state that office in the general election, or an individual who has been lawfully appointed and certified to replace either such individual on the ballot at the spring or general election; and who has qualified for a grant under sub. (2).

2. With respect to a special election, an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election for state superintendent, or an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election for any state office, except district attorney, on the ballot or column of a party whose candidate for the same office at the preceding general election received at least 6% of the vote cast for all

candidates on all ballots for the office, or an individual who has been lawfully appointed and certified to replace either such individual on the ballot at a special election, or an individual who receives at least 6% of the vote cast for all candidates on all ballots for a any state office, except district attorney, at a partisan special election; and who qualifies for a grant under sub. (2). Where the boundaries of a district in which an individual seeks office have been changed since the preceding general election such that it is not possible to calculate the exact number of votes that are needed by that individual to qualify as an eligible candidate prior to an election under this subdivision, the number of votes cast for all candidates for the office at the preceding general election in each ward, combination of wards or municipality which is wholly contained within the boundaries of the newly formed district shall be calculated. If the candidate of the political party on whose ballot or column the individual appears in the newly formed district obtained at least 6% of the number of votes calculated, the individual is deemed to qualify as an eligible candidate prior to the election under this subdivision.

SECTION 23d. 13.09 (4) of the statutes is repealed.

SECTION 24m. 13.09 (6) of the statutes is created to read:

13.09 (6) The joint committee on finance shall maintain its offices and meeting room on the first floor of the south wing of the capitol.

SECTION 24p. 13.093 (2) (b) of the statutes is amended to read:

13.093 (2) (b) Executive budget bills introduced under s. 16.47 (1) are exempt from the fiscal estimate requirement under par. (a) but shall, if they contain a provision affecting a public retirement fund, ~~affecting state debt or revenue obligations~~ or providing a tax exemption, be analyzed as to those provisions by the respective joint survey committee. If such a bill contains a provision ~~affecting state debt or revenue obligations~~ or providing a tax exemption, the bill shall be simultaneously referred to the ~~respective~~ joint survey committee on tax exemptions and the joint committee on finance. The report of the joint survey committee ~~on debt management and of the joint survey committee on tax exemptions~~ shall be prepared within 60 days of introduction for bills introduced under s. 16.47 (1).

SECTION 25m. 13.097 of the statutes is created to read:

13.097 Review of legislation providing for conveyances of lake bed areas. (1) DEFINITIONS. In this section:

(a) "Department" means the department of natural resources.

(b) "Lake bed area" means all or a portion of a navigable lake.

(c) "Public trust purpose" means a purpose in furtherance of the public trust in navigable waters that is established under article IX, section 1, of the constitution.

(2) **REPORT BY THE DEPARTMENT.** (a) When legislation that conveys a lake bed area or that amends a prior conveyance of a lake bed area is introduced or offered in the legislature, the department shall prepare a report on the legislation within 15 days of its being introduced or offered. The department may request any information from the grantee under such legislation or from a past grantee of the lake bed area that is reasonably necessary for the department to prepare the report.

(b) If the legislation conveys a lake bed area, the department shall describe the conveyance contained in the legislation. If the legislation amends a prior conveyance of a lake bed area, the department's report shall describe the prior conveyance and how it is amended by this legislation. The report shall include the department's findings under sub. (4) and its conclusions under sub. (6).

(c) Legislation that requires a report by the department under this section shall have that requirement noted on its jacket when the jacket is prepared. When legislation that requires a report under this section receives a jacket to be introduced or offered, the legislative reference bureau shall submit a copy of the legislation to the department.

(d) The report shall be printed as an appendix to that applicable bill and shall be distributed in the same manner as amendments.

(4) **FINDINGS OF THE DEPARTMENT REPORT.** The department's report shall contain the following information:

(a) *Location and description of the lake bed area.* 1. The name of the lake in which the lake bed area subject to the proposed conveyance is located; the location of the lake bed area in the lake and the name of the county and the town, village or city that is adjacent to the lake bed area.

2. The approximate dimensions and size of the lake bed area subject to the proposed conveyance.

3. The approximate area of the lake in which the lake bed area subject to the proposed conveyance is located.

(b) *Purposes of the proposed conveyance.* 1. The purpose of the proposed conveyance, as expressed in the legislation.

2. Any additional information on the intended uses of the lake bed area subject to the proposed conveyance.

3. The extent to which the express language of the legislation will permit the intended uses of the lake bed area subject to the proposed conveyance.

(c) *Use of the lake bed area subject to the proposed conveyance.* 1. The size of the area reasonably required for the intended uses under the proposed conveyance, as compared to the size of the lake bed area actually conveyed by the legislation, and a description of the anticipated or potential uses of any excess area.

2. If the lake bed area subject to the proposed conveyance exceeds the area required for the intended uses, whether the excess area will remain unused for a substantial period.

(d) *Effect of the proposed conveyance on public trust purpose uses.* 1. Opportunities for navigation, fishing, hunting, swimming, recreation, enjoyment of scenic beauty and other public trust purpose uses that will be lost or obtained when the grantee exercises the rights granted by the proposed conveyance.

2. The type of uses that will be made of the lake bed area subject to the proposed conveyance when the grantee exercises the rights granted by the proposed conveyance, and whether those uses are public trust purpose uses.

3. Proposed restrictions on public access to the lake bed area subject to the proposed conveyance, upon completion of the project, including physical restrictions such as fences, walls or lack of parking, legal restrictions such as hours of operation or conversion to private property and financial restrictions such as admission fees, licenses, permits or requirements to make purchases.

(e) *Potential subsequent conveyances.* 1. The extent to which the proposed conveyance expressly prohibits or permits a subsequent conveyance of all or a part of the lake bed area by the grantee, including a subsequent conveyance by warranty deed, quitclaim deed or lease, or is silent regarding a subsequent conveyance by the grantee.

2. Whether the legislation imposes the same restrictions on grantees of subsequent conveyances as it imposes on the original grantee.

(f) *Potential of the grantee to manage the use of lake bed area.* 1. What management controls are proposed by the grantee to assure that the lake bed area is used only for the public trust purposes authorized by the legislature, including the grantee's internal controls and control exercised by the grantee over a lessee, a grantee of a subsequent conveyance of all or part of the lake bed area or a trespasser.

2. Whether the grantee has managed or is managing the use of any other lake bed areas conveyed to the grantee in conformance with the public trust purposes authorized by those conveyances.

3. If the grantee of an original or subsequent conveyance or a lessee is not a governmental unit, the extent to which the use of the lake bed area subject to the proposed conveyance will be controlled or supervised by a governmental unit, to assure conformity with a public trust purpose.

(g) *Additional information.* Any other information the department considers relevant.

(5) **DEPARTMENT AUTHORITY TO REQUEST INFORMATION.** The department may request a grantee to provide the department with any information that is reasonably necessary for the department to prepare the report under sub. (4).

(6) CONCLUSION OF THE DEPARTMENT REPORT. Based on its findings, the department shall include in its report its conclusion on whether the legislation is consistent with protecting and enhancing a public trust purpose. The department shall base its conclusion on the following:

(a) *Public trust purpose uses.* Whether the opportunities for public trust purpose uses upon completion of the project, including opportunities for navigation, fishing, hunting, swimming, recreation and enjoyment of scenic beauty, substantially outweigh any loss of current opportunities for public trust purpose uses in that lake bed area and whether the current opportunities for public trust purpose uses will be enhanced or diminished upon completion of the project.

(b) *Public access.* Whether all residents of the state will be able, without restriction, to participate in the uses of the lake bed area subject to the proposed conveyance upon completion of the project.

(c) *Purposes of the proposed conveyance.* Whether the public trust purposes of the conveyance, as expressed in the legislation, are sufficiently narrow to permit only the specific public trust purpose uses proposed by the grantee.

(d) *Management by the grantee.* Whether the grantee's management of the use of any other lake bed areas conveyed to the grantee conforms with a public trust purpose and whether the grantee's proposals for the use of the lake bed area subject to the proposed conveyance conform with a public trust purpose.

(e) *Governmental control.* Whether the lake bed area and its proposed public trust purpose uses will be controlled or supervised by a governmental unit.

(f) *Commercial uses.* Whether any commercial uses of the lake bed area subject to the proposed conveyance are minor and incidental to free public trust purpose uses or whether commercial purposes dominate the proposed use of the lake bed area.

SECTION 25x. 13.101 (5m) of the statutes is amended to read:

13.101 (5m) The committee may approve an employee ownership assistance loan in a specified amount exceeding \$25,000 \$35,000 under s. 560.16 (4).

SECTION 26. 13.101 (6) (a) of the statutes is amended to read:

13.101 (6) (a) As an emergency measure necessitated by decreased state revenues and to prevent the necessity for a state tax on general property, the committee may reduce any appropriation made to any board, commission, department, the university of Wisconsin system or to any other state agency or activity by such amount as it deems feasible, not exceeding 25% of the appropriations, except appropriations made by ss. 20.255 (2) (ac), (ad), (cg) and (cr) and (q), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax) and (6) (aq) and (ar), 20.435 (4) (6) (a), and (7) (d), (da) and (e) or for forestry purposes under s. 20.370 (1), or any other moneys distributed to any county, city, village, town or school

district. Appropriations of receipts and of a sum sufficient shall for the purposes of this section be regarded as equivalent to the amounts expended under such appropriations in the prior fiscal year which ended June 30. All functions of said state agencies shall be continued in an efficient manner, but because of the uncertainties of the existing situation no public funds should be expended or obligations incurred unless there shall be adequate revenues to meet the expenditures therefor. For such reason the committee may make reductions of such appropriations as in its judgment will secure sound financial operations of the administration for said state agencies and at the same time interfere least with their services and activities.

SECTION 26m. 13.45 (2) of the statutes is amended to read:

13.45 (2) APPOINTMENTS REPORTED. The chief clerk of each house shall file a duplicate of each report required by s. 14.40 (4) with the ~~executive secretary~~ director of the legislative council staff.

SECTION 27. 13.48 (2) (b) 1m of the statutes is created to read:

13.48 (2) (b) 1m. The university of Wisconsin system may not accept any gift, grant or bequest of real property with a value in excess of \$30,000 without the approval of the building commission.

~~SECTION 27e. 13.48 (2) (j) of the statutes is amended to read:~~

~~13.48 (2) (j). No later than the first day of the 7th month after the effective date of each the last biennial budget act to be enacted in each fiscal biennium, the secretary of employment relations shall report to the building commission, in writing, regarding the desirability of including plans for day care facility space in the plans for any construction or major remodeling project, enumerated in the state building program in the biennial budget act, for any state office building. Based upon the report of the secretary of employment relations, the building commission may direct that plans for day care facility space be included in the plans for that construction or major remodeling project. This paragraph does not apply after June 30, 1993.~~

~~SECTION 27f. 13.48 (2) (j) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:~~

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

Vetoed
in Part

Vetoed in Part project. This paragraph does not apply ~~applies only~~ after June 30, 1993.

~~SECTION 27m. 13.48 (5m) of the statutes is created to read:~~

Vetoed in Part 13.48 (5m) SAVINGS IMPACT OF REPUND DEBT. (a) Prior to any meeting of the building commission in which the building commission adopts a resolution authorizing debt for refunding or adopts a resolution to award a refunding, the department of administration shall submit a written report to the building commission on the amount of savings that it estimates to arise from a reduction in the interest rate or rates on the issue, from changes in the schedule of principal maturities for the issue and from a delay or other change in interest or principal and interest payment date shifts between fiscal years.

(b) The department of administration shall give a copy of the report required under par. (a) to the joint committee on finance when the department submits the report to the building commission.

SECTION 28d. 13.48 (10) of the statutes is amended to read:

13.48 (10) APPROVAL BY BUILDING COMMISSION. No state board, agency, officer, department, commission or body corporate may enter into a contract 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 building commission. The building 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 or operating functions. This subsection does not apply to contracts by the department of natural resources for construction work related to hazardous substance spill response under s. 144.76 or environmental repair under s. 144.442. This subsection does not apply to projects approved by the governor in response to emergency situations under s. 16.855 (16) 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 projects such as special maintenance, energy conservation, handicapped access and advance property acquisition designated by the building commission.

SECTION 28e. 13.48 (13) (title) of the statutes is amended to read:

13.48 (13) (title) APPLICATION OF LAWS, RULES, CODES, ORDINANCES AND REGULATIONS.

SECTION 28g. 13.48 (13) of the statutes is renumbered 13.48 (13) (a) and amended to read:

13.48 (13) (a) ~~Where any~~ Except as provided in ~~par. (b) and (c), every building, structure or facility~~ **Vetoed in Part** that is constructed for the benefit of or use of the state or any state agency, board, commission or department, ~~such construction shall be in compliance with all applicable state laws, rules, codes and regulations; but such the construction shall is not be subject to the ordinances or regulations of the municipality in which the construction takes place except zoning, including~~ **Vetoed in Part** without limitation because of enumeration; ordinances or regulations relating to materials used, permits, supervision of construction or installation, payment of permit fees, or other restrictions of any nature whatsoever. This subsection applies to any construction hereafter commenced.

~~SECTION 28h. 13.48 (13) (b) of the statutes is created to read:~~

13.48 (13) (b) Except as provided in par. (c), every building, structure or facility that is constructed for the benefit of or use of the state or any state agency, board, commission or department is subject to the zoning ordinances and regulations of the county or municipality in which the construction takes place.

SECTION 28k. 13.48 (13) (c) of the statutes is created to read:

13.48 (13) (c) No construction undertaken by the state for the purpose of renovation of the state capitol building is subject to any state law, rule, code or regulation, or any zoning ordinance or regulation of the city of Madison, governing such construction.

SECTION 28m. 13.48 (24) of the statutes is created to read:

13.48 (24) TERMS ON DEBT FOR ~~MINIMUM MAINTENANCE PROJECTS. AFTER JAN 1, 1990~~ **Vetoed in Part** the building commission shall limit the terms of debt issued to finance ~~minimum maintenance projects to 7 years or less.~~ **Vetoed in Part**

SECTION 29b. 13.49 of the statutes is repealed.

SECTION 29g. 13.55 (1) of the statutes is amended to read:

13.55 (1) CREATION. There is created a 9-member commission on uniform state laws to advise the legislature with regard to uniform laws and model laws. The commission shall consist of the ~~executive secretary~~ director of the legislative council ~~staff~~ or a professional employe of the legislative council designated by the ~~executive secretary~~ director, the chief of the legislative reference bureau or a professional employe under s. 13.92 (1) (b) designated by the chief, the revisor of statutes, 2 senators and 2 representatives to the assembly from the 2 major political parties appointed as are members of standing committees for 2-year terms, and 2 public members appointed by the governor for 4-year terms. The terms of members appointed by the governor or by the legislature shall expire on May 1 of an odd-numbered year. The members, other than the appointees of the governor or of the legislature, may

each designate an employee to represent them at any meeting of the conference under sub. (3).

SECTION 29i. 13.81 (5) of the statutes is amended to read:

13.81 (5) EXPENDITURES. All expenditures for the council shall be by voucher signed either by the ~~chairman~~ chairperson or by the ~~executive secretary~~ director of the council staff.

SECTION 29j. 13.81 (7) of the statutes is amended to read:

13.81 (7) CONTINGENT EXPENSES. Expenditures from the appropriation under s. 20.765 (3) (ec) may be made by the ~~chairman~~ chairperson of the council or by the ~~executive secretary~~ director of the council staff at their discretion, but a statement of all such expenditures shall be rendered to the legislature at the beginning of each regular session.

SECTION 29L. 13.82 (intro.) of the statutes is amended to read:

13.82 Committees appointed by council. (intro.) For the purpose of providing information to the legislature, the legislative council may appoint committees consisting of members of the legislature and of citizens having special knowledge on the subject assigned by the council to be studied. Any vacancy on a committee shall be filled by the council. The ~~executive secretary~~ director of the legislative council staff shall certify to the secretary of state the names of the membership of such committees. Citizen members may be reimbursed for their actual and necessary expenses incurred in performing their duties from the appropriations provided by s. 20.765.

SECTION 29m. 13.83 (5) of the statutes is repealed.

SECTION 30. 13.90 (1) (gr) of the statutes is created to read:

13.90 (1) (gr) Designate an officer of the senate or assembly or a director of a legislative service agency to administer expenses and supervise data processing staff paid from the appropriation under s. 20.765 (3) (em).

SECTION 30e. 13.90 (1m) (c) of the statutes is amended to read:

13.90 (1m) (c) The ~~executive secretary~~ director of the legislative council staff appointed by the council under s. 13.81 (4), 1985 stats., prior to August 1, 1987, shall continue to serve at the pleasure of the council for the duration of her tenure as ~~executive secretary~~ director.

SECTION 30f. 13.90 (3) of the statutes is repealed and recreated to read:

13.90 (3) The joint committee on legislative organization shall assign office space for legislative offices and the offices of the legislative service agencies as defined in sub. (1m). The joint committee may assign any space in the capitol not reserved for other uses under s. 16.835. Except as provided in ss. 13.09 (6) and 13.45 (4) (c), the joint committee may locate any legislative office or the office of any legislative service

agency outside the capitol at another suitable building in the city of Madison.

SECTION 30m. 13.91 (intro.) of the statutes is amended to read:

13.91 Legislative council staff. (intro.) There is created a bureau known as the "Legislative Council Staff", headed by the ~~executive secretary of the legislative council~~ a director. The legislative council staff shall be strictly nonpartisan and shall at all times observe the confidential nature of the research and drafting requests received by it. The legislative council staff may call upon any state department, agency or officer, or any agency of any political subdivision, for such facilities and data as are available and such departments and agencies shall cooperate with the legislative council staff to the fullest possible extent.

SECTION 30s. 13.91 (2) (intro.) of the statutes is amended to read:

13.91 (2) (title) DUTIES OF THE DIRECTOR. (intro.) The ~~executive secretary~~ director of the legislative council staff shall:

SECTION 31. 13.92 (1) (a) 3 of the statutes is amended to read:

13.92 (1) (a) 3. Maintain the drafting records of legislation introduced in prior sessions of the legislature and utilize such records to provide information on questions of legislative intent. Such records shall be retained in the ~~capitol building offices of the bureau~~ at all times.

SECTION 31g. 13.94 (1) (bm) of the statutes is amended to read:

13.94 (1) (bm) In the 1987-88 and 1991-92 fiscal years, audit, under par. (b), the soil and water resource management program in the department of agriculture, trade and consumer protection and the nonpoint source water pollution abatement program under the department of natural resources. The audit of the nonpoint source water pollution abatement program shall include a review of the priority watershed and priority lakes planning methods, priority watershed and priority lakes selection, program and budget management of priority watershed and priority lakes projects and project and program evaluation methods.

SECTION 31m. 13.94 (1) (dc) of the statutes is created to read:

13.94 (1) (dc) At least once every 5 years, contract for the performance of an actuarial audit of the Wisconsin retirement system. The legislative audit bureau shall file a copy of each audit report under this paragraph with the distributees specified in par. (b).

SECTION 32. 13.94 (1) (em) of the statutes is amended to read:

13.94 (1) (em) Annually, conduct a financial audit of the state lottery, and, to the extent of the lottery board's participation, of any multistate lotteries in which the state participates, and biennially conduct a performance audit of the state lottery and, to the extent of the lottery board's participation, of those multistate lotteries, as provided in s. 565.37 (1). The

legislative audit bureau shall file a copy of each audit report under this paragraph with the department of justice and with the distributees specified in par. (b).

SECTION 32m. 13.94 (1s) (a) of the statutes is amended to read:

13.94 (1s) (a) The Except as otherwise provided in par. (c), the legislative audit bureau may charge any department for the reasonable cost of auditing services which are performed at the request of a department or at the request of the federal government which the bureau is not required to perform under sub. (1) (a) to (e) or (k) or any other law. This paragraph does not apply to counties, cities, villages, towns or school districts.

SECTION 32n. 13.94 (1s) (c) of the statutes is created to read:

13.94 (1s) (c) The legislative audit bureau shall charge the department of employee trust funds for the cost of the audit required to be performed under sub. (1) (dc).

SECTION 32c. 13.94 (3) (f) of the statutes is created to read:

Vetoed
in Part

13.94 (3) (f) Examine each proposed audit-related contract referred to the auditor by the department of administration under s. 16.705 (1m) in a timely manner, and notify the department of administration of the auditor's approval or rejection of the proposed contract, in whole or in part. Each examination shall include a review of whether the proposed contract:

1. Provides for the economic use of state resources.
2. Provides information useful and necessary for the effective operation of state programs.
3. Duplicates current or planned activities of the bureau.

SECTION 34m. 14.32 (1) of the statutes is repealed.

SECTION 35m. 14.58 (21) of the statutes is amended to read:

14.58 (21) (title) CREDIT CARD USE CHARGES. From moneys received under s. ss. 59.20 (8) and (8m); deposit in the general fund an amount necessary for the payment of and 85.14 (1) (b), pay the charges under ss. 23.49 and 85.14 from the appropriation under s. 20.585 (1) (km).

SECTION 36m. 14.84 of the statutes is created to read:

14.84 GREAT LAKES PROTECTION FUND. (1) The governor may provide for the participation of this state in the formation and operation of the Great Lakes protection fund on behalf of this state if all of the following apply to the fund:

(a) The fund is established to advance the principal goals and objectives of the Great Lakes toxic substances control agreement and the water quality agreement signed by the United States and Canada.

(b) The fund is established to finance and support state and regional projects related to the protection, research and cleanup of the Great Lakes.

(c) Earnings and interest from the fund will be available to this state for all of the following purposes:

1. To ensure a stable and predictable funding commitment for Great Lakes water quality.

2. Data collection and analysis of the economic, environmental and human health effects of contamination in the Great Lakes.

3. Development of new or improved environmental clean-up technologies applicable to the Great Lakes.

4. Research to assess the effectiveness of pollution control policies affecting the Great Lakes.

5. Assessment of the health of Great Lakes fish, waterfowl and other organisms.

(d) The fund will be operative when it is executed by this state and at least 3 other states under the articles of incorporation of the fund.

(2) The governor shall nominate 2 persons to represent this state on the board of directors of the Great Lakes protection fund. Those persons shall be appointed with the advice and consent of the senate.

SECTION 38. 15.01 (1) of the statutes is amended to read:

15.01 (1) "Board" means a part-time body functioning as the policy-making unit for a department or independent agency or a part-time body with policy-making or quasi-judicial powers and ~~includes the state emergency response commission.~~

SECTION 39. 15.01 (2) of the statutes is amended to read:

15.01 (2) "Commission" means a 3-member governing body in charge of a department or independent agency or of a division or other subunit within a department, except for the tax appeals commission which shall consist of 5 members, the sentencing commission which shall consist of 17 members, the Wisconsin waterways commission which shall consist of 5 members and the Fox river management commission which shall consist of 7 members. A Wisconsin group created for participation in a continuing interstate body shall be known as a "commission", but is not a commission for purposes of s. 15.06. ~~The state emergency response commission created under s. 15.105 (20) shall be known as a "commission", but is not a commission for purposes of s. 15.06.~~

SECTION 39m. 15.01 (2) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

15.01 (2) "Commission" means a 3-member governing body in charge of a department or independent agency or of a division or other subunit within a department, except for the tax appeals commission which shall consist of 5 members, the sentencing commission which shall consist of 17 members, the Wisconsin waterways commission which shall consist of 5 members, the parole commission which shall consist of 5 members and the Fox river management commission which shall consist of 7 members. A Wisconsin group created for participation in a continuing inter-

state body shall be known as a "commission", but is not a commission for purposes of s. 15.06. The parole commission created under s. 15.105 (21) shall be known as a "commission", but is not a commission for purposes of s. 15.06.

SECTION 40b. 15.01 (4) of the statutes is amended to read:

15.01 (4) "Council" means a part-time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except the ~~women's council has the powers and duties specified in s. 16.01 (4) Milwaukee river revitalization council~~ has the powers and duties specified in s. 23.18.

SECTION 42g. 15.05 (3) of the statutes is amended to read:

15.05 (3) EXECUTIVE ASSISTANT. Each secretary may appoint an executive assistant to serve at his or her pleasure outside the classified service. The executive assistant shall perform duties as the secretary prescribes. In this subsection, "secretary" includes the attorney general, the adjutant general and the state superintendent of public instruction.

SECTION 44. 15.06 (1) (d) (intro.) of the statutes is amended to read:

15.06 (1) (d) (intro.) The members of the personnel commission shall be nominated by the governor ~~outside the classified service from a list of at least 5 names per position submitted by the personnel board,~~ and with the advice and consent of the senate appointed, for staggered 5-year terms, subject to the following conditions:

SECTION 45. 15.06 (2) (b) of the statutes is repealed.

SECTION 46. 15.06 (6) of the statutes is amended to read:

15.06 (6) QUORUM. A majority of the membership of a commission constitutes a quorum to do business, except that vacancies shall not prevent a commission from doing business. This subsection does not apply to the parole commission.

SECTION 46m. 15.07 (1) (b) 4 of the statutes is repealed.

SECTION 46o. 15.07 (1) (b) 14 of the statutes is created to read:

15.07 (1) (b) 14. Deferred compensation board,

SECTION 46p. 15.07 (1) (b) 15 of the statutes is created to read:

15.07 (1) (b) 15. The 3 members of the lower Wisconsin state riverway board appointed under s. 15.345 (6) (b) 7.

SECTION 46r. 15.07 (1) (b) 16 of the statutes is created to read:

15.07 (1) (b) 16. Land information board.

SECTION 47. 15.07 (1) (cm) of the statutes is amended to read:

15.07 (1) (cm) ~~The terms of members of the personnel board shall expire on July 1. The term of one member of the ethics board shall expire on each May 1. The terms of 2 members of the minority business development board, other than the ex officio member, shall expire on each May 1. The terms of 2 3 members of the development finance board, other than ex officio members, appointed under s. 15.155 (1) (a) 6 shall expire on May 1 of every even-numbered year and the terms of the other 3 members, other than ex officio members, appointed under s. 15.155 (1) (a) 6 shall expire on May 1 of every odd-numbered year. The terms of members of the radioactive waste review board shall expire as specified under s. 15.105 (11) 15.915 (4) (c). The terms of the 3 members of the land conservation board appointed under s. 15.135 (4) (b) 2 shall expire on January 1. The terms of members of the real estate board shall expire on July 1.~~ **Vetoed in Part**

SECTION 47b. 15.07 (1) (cm) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

15.07 (1) (cm) ~~The terms of 2 members of the minority business development board, other than ex officio members, shall expire on each May 1. The term of one member of the ethics board shall expire on each May 1. The terms of 3 members of the development finance board appointed under s. 15.155 (1) (a) 6 shall expire on May 1 of every even-numbered year and the terms of the other 3 members appointed under s. 15.155 (1) (a) 6 shall expire on May 1 of every odd-numbered year. The terms of the 3 members of the land conservation board appointed under s. 15.135 (4) (b) 2 shall expire on January 1. The terms of members of the real estate board shall expire on July 1.~~ **Vetoed in Part**

SECTION 48. 15.07 (2) (c) of the statutes is created to read:

15.07 (2) (c) The chairperson of the board on the U.S.S. Wisconsin shall be designated annually by the governor on each May 1, to be chosen from the members other than ex-officio members.

~~SECTION 49s. 15.07 (2) (i) of the statutes is created to read:~~ **Vetoed in Part**

~~15.07 (2) (i) The head of the subunit in the department of tourism and development with jurisdiction over minority business development shall serve as the chairperson of the minority business development board.~~

SECTION 51d. 15.07 (5) (c) of the statutes is repealed.

SECTION 53. 15.07 (5) (f) of the statutes is amended to read:

15.07 (5) (f) Members of the teachers retirement board, appointive members of the Wisconsin retirement board, appointive members of the group insurance board, members of the deferred compensation board and members of the employee trust funds board, \$25 per day.

SECTION 56d. 15.07 (5) (w) of the statutes is created to read:

15.07 (5) (w) Members of the lower Wisconsin state riverway board, \$25 per day.

SECTION 56e. 15.07 (5m) (title) of the statutes is amended to read:

15.07 (5m) (title) LIMITATIONS ON SALARY AND EXPENSES.

SECTION 56f. 15.07 (5m) of the statutes is renumbered 15.07 (5m) (a).

SECTION 56j. 15.07 (5m) (a) (title) of the statutes is created to read:

15.07 (5m) (a) (title) *Potato industry board.*

SECTION 56m. 15.07 (5m) (b) of the statutes is created to read:

15.07 (5m) (b) *Lower Wisconsin state riverway board.* The members, except for the chairperson, of the lower Wisconsin state riverway board shall be reimbursed under sub. (5) for only their necessary and actual travel expenses incurred in the performance of their duties, or shall be paid \$25 plus mileage incurred in the performance of their duties, whichever is greater. The chairperson of the lower Wisconsin state riverway board shall be reimbursed for all his or her actual and necessary expenses incurred in the performance of his or her duties. The lower Wisconsin state riverway board shall determine which expenses of the chairperson are actual and necessary before reimbursement.

~~SECTION 57e. 15.08 (1m) (b) of the statutes is amended to read:~~

Vetoed in Part ~~15.08 (1m) (b) The public members of the chiropractic examining board, the dentistry examining board, the hearing aid dealers and fitters examining board, the medical examining board and its physical therapists examining council, podiatry examining council, occupational therapy examining council and council on physician's assistants, the board of nursing, the nursing home administrator examining board, the veterinary examining board, the optometry examining board, the pharmacy examining board, the acupuncture examining board and the psychology examining board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.~~

SECTION 57m. 15.103 (2) of the statutes is created to read:

15.103 (2) DIVISION OF HOUSING. There is created in the department of administration a division of housing. The administrator of the division shall be appointed outside the classified service by the secretary of administration.

SECTION 58. 15.103 (3) of the statutes is renumbered 15.313 (1) and amended to read:

15.313 (1) DIVISION OF EMERGENCY GOVERNMENT. There is created in the department of administration military affairs a division of emergency government. The administrator of this division shall be ~~nominated~~

Vetoed in Part ~~appointed by the governor, and with the advice and consent of the senate appointed, to serve at the plea-~~

~~sure of the governor adjutant general outside the classified service.~~ **Vetoed in Part**

SECTION 58g. 15.103 (4) of the statutes is created to read:

15.103 (4) DIVISION OF CORRECTIONS HEARINGS. There is created a division of corrections hearings, which is attached to the department of administration under s. 15.03. The administrator of the division shall be appointed outside the classified service.

SECTION 58m. 15.105 (4) of the statutes is amended to read:

15.105 (4) PUBLIC RECORDS AND FORMS BOARD. There is created a public records and forms board which is attached to the department of administration under s. 15.03. The public records and forms board shall consist of the governor, the director of the historical society, the attorney general, the state auditor, a representative of the small business community appointed by the governor, a representative of a newspaper published in this state appointed by the governor, a representative of the permit information center appointed by the secretary of development and the ~~executive secretary~~ director of the legislative council staff or their designated representatives.

SECTION 59. 15.105 (6) of the statutes is renumbered 15.175 (1) and amended to read:

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

SECTION 60m. 15.105 (11) of the statutes is renumbered 15.915 (4), and 15.915 (4) (a) and (b) 6 and 7, as renumbered, are amended to read:

15.915 (4) (a) *Creation.* There is created a radioactive waste review board which is attached to the ~~department of administration~~ university of Wisconsin system under s. 15.03.

(b) 6. One member who is the chairperson of the radioactive waste policy council created under s. ~~15.107 (7)~~ 15.917 (2).

7. One member who is the chairperson of the radioactive waste technical council created under s. ~~15.107 (8)~~ 15.917 (3).

~~SECTION 60l. 15.105 (12) (a) 1 of the statutes is amended to read:~~

~~15.105 (12) (a) 1. The secretaries of the departments of industry, labor and human relations, transportation, agriculture, trade and consumer protection and tourism and development or their formally appointed designees~~

SECTION 61. 15.105 (13) of the statutes is created to read:

15.105 (13) BOARD ON THE U.S.S. WISCONSIN. There is created a board on the U.S.S. Wisconsin which is attached to the department of administration

Vetoed in Part

under s. 15.03. The board on the U.S.S. Wisconsin shall consist of the secretary of administration or his or her designee; the director of the historical society or his or her designee; and 8 other members appointed for 4-year terms.

SECTION 61m. 15.105 (16) of the statutes is created to read:

15.105 (16) LAND INFORMATION BOARD. (a) *Creation.* There is created a land information board attached to the department of administration under s. 15.03.

(b) *Members.* The board consists of the following members:

1. The secretary of administration, the secretary of agriculture, trade and consumer protection, the secretary of natural resources and the secretary of transportation, or their designees.

2. Four representatives from county and municipal government selected from various geographical regions of the state, including at least one member of a county board of supervisors, at least one member of a city council or village board and at least one person who is a county officer active in land information management, to serve 6-year terms.

3. Four representatives chosen from public utilities and private businesses selected from various geographical regions of the state, including at least one public utility representative and at least one representative of a professional land information organization, to serve 6-year terms.

4. The state cartographer.

(c) *Advisory members.* The state historic preservation officer, the secretary of revenue and the state geologist, or their designees, a representative of a regional planning commission who is selected by the board, a county employee active in land information management who is selected by the board, and representatives of state and federal agencies active in land information management who are selected by the board, shall serve as nonvoting, advisory members of the board.

SECTION 62. 15.105 (17) (a) 1 of the statutes is amended to read:

15.105 (17) (a) 1. The secretary of ~~health and social services~~ corrections or his or her designee.

SECTION 63. 15.105 (17) (a) 2 of the statutes is amended to read:

15.105 (17) (a) 2. The chairperson of the parole board commission.

SECTION 66. 15.105 (20) of the statutes is renumbered 15.315 (1) and amended to read:

15.315 (1) (title) STATE EMERGENCY RESPONSE BOARD. There is created a state emergency response ~~commission board~~ which is attached to the department of ~~administration~~ military affairs under s. 15.03. The state emergency response ~~commission board~~ shall consist of one representative of the department of ~~administration~~ military affairs, division of emergency

government, one representative of the department of health and social services, one representative of the department of transportation, one representative of the department of natural resources, one representative of the department of agriculture, trade and consumer protection, one representative each from fire fighting, law enforcement and public or community health services, 2 representatives of industry, one representative of small business, as defined in s. 15.227 (3), 2 representatives who are elected officials or employees of county and municipal government, one representative of agriculture, one representative of a labor organization and one representative of an environmental organization. The members of the ~~commission board~~ shall serve at the pleasure of the governor.

SECTION 66g. 15.105 (21) of the statutes is created to read:

15.105 (21) PAROLE COMMISSION. There is created a parole commission, consisting of 5 members, which is attached to the department of administration under s. 15.03. Members shall have knowledge of or experience in corrections or criminal justice. The members shall include a chairperson who is appointed by and serves at the pleasure of the governor and 4 members in the classified service.

~~SECTION 66j. 15.107 (2) of the statutes is renumbered 15.107 (2) (a) and amended to read:~~

~~15.107 (2) (a). There is created in the department of administration a council on small and minority business opportunities consisting of 11 members, appointed by the secretary of administration for 3-year terms, with representation as follows: *et*~~

~~1. At least 2 members shall be owners or employees of small businesses at least 50% owned by one or more members of a racial minority group; *et*~~

~~2. At least one member shall be an owner or employee of a small business at least 50% owned by one or more handicapped persons; *et*~~

~~3. At least one member shall be an owner or employee of a small business operated on a nonprofit basis for the rehabilitation of disabled persons; *et*~~

~~4. At least one member shall be an owner or employee of a small business at least 50% owned by a veteran.~~

~~5. At least one member shall be a representative of the department of development; *and et*~~

~~6. At least one member shall be a consumer member.~~

~~(b) No member may serve on the council for more than 2 consecutive full terms. The secretary of administration, or a department employee who is the secretary's designee, shall serve as the council's nonvoting secretary.~~

SECTION 66m. 15.107 (4) of the statutes is created to read:

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15.107 (4) HOUSING ~~TRUST FUND~~ ADVISORY COUNCIL. (a) There is created in the department of administration a housing ~~trust fund~~ advisory council.

(b) The council consists of the following members:

1. The administrator of the division of housing in the department of administration or the designee of the administrator.

2. Four members appointed by the governor.

3. Two members appointed by the president of the senate.

4. Two members appointed by the speaker of the assembly.

(c) Members of the council appointed under par. (b) 2 to 4 shall serve 4-year terms.

SECTION 67m. 15.107 (7) of the statutes is renumbered 15.917 (2) and amended to read:

15.917 (2) RADIOACTIVE WASTE POLICY COUNCIL. There is created in the ~~department of administration~~ university of Wisconsin system a radioactive waste policy council. The radioactive waste policy council consists of not more than 11 members appointed for 3-year terms by the radioactive waste review board to serve at the pleasure of the board. At least 6 of the members shall be residents of the territory north of a line running east and west through the southern limit of the city of Stevens Point. The chairperson of the radioactive waste policy council may not vote on the appointment of members to the radioactive waste policy council. The members shall include public members, representatives of local units of government and representatives of American Indian tribes. The board shall appoint public members to represent a broad diversity of opinion regarding the long-term disposal of high-level radioactive waste and transuranic waste. The board shall appoint representatives of local units of government from different parts of the state. This subsection does not apply after June 30, 1991.

SECTION 68e. 15.107 (8) of the statutes is renumbered 15.917 (3) and amended to read:

15.917 (3) RADIOACTIVE WASTE TECHNICAL COUNCIL. There is created in the ~~department of administration~~ university of Wisconsin system a radioactive waste technical council consisting of the secretary of health and social services, the secretary of natural resources, the secretary of transportation, the attorney general, the administrator of the division of emergency government in the department of administration, the head of the subunit responsible for state planning and energy in the department of administration, the state geologist, the chairperson of the public service commission and the president of the university of Wisconsin system or their designees. In addition, the radioactive waste review board may appoint 2 additional members with technical expertise in fields related to the long-term disposal of high-level radioactive waste and transuranic waste. This subsection does not apply after June 30, 1991.

SECTION 69. 15.107 (9) of the statutes is repealed and recreated to read:

15.107 (9) LOW-LEVEL RADIOACTIVE WASTE COUNCIL. (a) *Creation.* There is created in the department of administration a low-level radioactive waste council. The council shall be composed of 3 public members and 4 legislative members appointed as follows:

1. One member who is appointed as are members of standing committees in the senate.

2. One member who is appointed by the senate minority leader.

3. One member who is appointed as are members of standing committees in the assembly.

4. One member who is appointed by the assembly minority leader.

(b) *Application.* This subsection does not apply after July 1, 1996.

SECTION 70. 15.107 (10) of the statutes is renumbered 15.157 (1) and amended to read:

15.157 (1) STRATEGIC PLANNING COUNCIL. The governor may create a strategic planning council in the department of ~~administration~~ development consisting of the governor or his or her designee; the secretary of administration or his or her designee; the secretary of development or his or her designee; the president of the university of Wisconsin system or his or her designee; and ~~9~~ 13 public members who are not public officers or employees. ~~One and two members shall be appointed by the speaker of the assembly, one 2 by the assembly minority leader, one 2 by the majority leader of the senate and one 2 by the senate minority leader.~~ Public members shall serve for 2-year terms. The governor or his or her designee shall serve as chairperson of the council and the council shall elect its vice chairperson from among the public members if the council is created. This subsection does not apply on or after the effective date of the 1991-93 budget act.

SECTION 71g. 15.135 (5) of the statutes is created to read:

15.135 (5) FARM MEDIATION AND ARBITRATION BOARD. There is created a farm mediation and arbitration board which is attached to the department of agriculture, trade and consumer protection under s. 15.03. The board shall consist of the secretary of agriculture, trade and consumer protection or the secretary's designee, the commissioner of banking or the commissioner's designee and a member appointed by the governor to serve at the pleasure of the governor. This subsection does not apply after June 30, 1991.

SECTION 73. 15.14 of the statutes is created to read:

15.14 Department of corrections; creation. There is created a department of corrections under the direction and supervision of the secretary of corrections.

SECTION 75d. 15.155 (1) of the statutes is renumbered 15.155 (1) (a) (intro.) and amended to read:

15.155 (1) (a) (intro.) There is created a development finance board attached to the department of

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development under s. 15.03 consisting of ~~the~~ all of the following:

1. The secretary of development or the secretary's designee, ~~the~~.

2. The secretary of industry, labor and human relations or the secretary's designee, ~~the~~.

3. The director of the state vocational, technical and adult education board or the director's designee and ~~5~~.

6. Six other members appointed by the governor for 2-year terms.

(b) The members, ~~other than the ex-officio members, appointed under par. (a) 6~~ shall represent the scientific, technical, labor, small business, minority business, as defined in s. 560.036 (1) (e), and financial communities of this state.

Vetoed in Part SECTION 75b. 15.155 (1) (a) 4 and 5 of the statutes are created to read:

15.155 (1) (a) 4. One majority party and one minority party senator, appointed as are members of standing committees in the senate.

5. One majority party and one minority party representative to the assembly, appointed as are members of standing committees in the assembly.

SECTION 75g. 15.155 (3) of the statutes is created to read:

Vetoed in Part 15.155 (3) MINORITY BUSINESS DEVELOPMENT BOARD. (a) There is created a minority business development board attached to the department of ~~tourism and development~~ under s. 15.03 consisting of the following:

Vetoed in Part 1. The head of the submit in the department of tourism and development with jurisdiction over minority business development.

2. Two members appointed by the governor for 2-year terms.

Vetoed in Part 3. One member appointed by the presiding officer of the senate for a 2-year term.

4. One member appointed by the presiding officer of the assembly for a 2-year term.

(b) 1. In this paragraph, "minority group member" has the meaning given in s. 560.036 (1) (f).

2. The members of the minority business development board appointed by the governor under par. (a) 2 shall be minority group members.

3. When making an appointment to the minority business development board under par. (a) 3 or 4, the presiding officer of the senate or the assembly shall appoint a minority group member, if necessary to ensure that at least 3 of the members of the board are minority group members.

SECTION 75m. 15.155 (4) of the statutes is created to read:

15.155 (4) RURAL ECONOMIC DEVELOPMENT BOARD. (a) There is created a rural economic development board attached to the department of development under s. 15.03 consisting of the following:

1. The secretary of agriculture, trade and consumer protection or the secretary's designee.

2. The secretary of development or the secretary's designee.

3. One majority and one minority party senator from rural districts, appointed as are members of standing committees in the senate.

4. One majority and one minority party representative to the assembly from rural districts, appointed as are members of standing committees in the assembly.

5. Three members appointed by the governor for 3-year terms.

(b) Members of the rural economic development board appointed under par. (a) 5 shall have experience operating a business located in a rural municipality, as defined in s. 560.17 (1) (d). At least one member shall have experience operating a cooperative located in a rural municipality, as defined in s. 560.17 (1) (d).

SECTION 77g. 15.165 (4) of the statutes is created to read:

15.165 (4) DEFERRED COMPENSATION BOARD. There is created in the department of employee trust funds a deferred compensation board consisting of 5 members appointed for 4-year terms.

SECTION 77m. 15.173 (1) (b) and (c) of the statutes are amended to read:

15.173 (1) (b) The administrator of the division of merit recruitment and selection in the department of employment relations shall be nominated by the governor, and with the advice and consent of the senate appointed for a 5-year term, under the unclassified service from a register of at least 5 names certified by the ~~personnel board~~ secretary of employment relations. The ~~personnel board~~ secretary of employment relations shall prepare and conduct an examination for the position of administrator according to the requirements for classified positions under subch. II of ch. 230.

(c) The administrator of the division of merit recruitment and selection in the department of employment relations may be nominated by the governor, and with the advice and consent of the senate reappointed. ~~The personnel board shall evaluate annually the performance of the administrator. At the conclusion of the administrator's term the board, on the basis of the annual evaluations, may advise the governor in writing as to the reappointment of the administrator.~~

SECTION 78. 15.175 (title) of the statutes is created to read:

15.175 (title) Same; attached boards.

SECTION 79d. 15.193 of the statutes is created to read:

15.193 Same; specified divisions. (1) DIVISION OF YOUTH CORRECTIONS. There is created in the department of health and social services a division of youth corrections.

SECTION 81. 15.197 (13) of the statutes is repealed.

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in Part

~~SECTION 81m. 15.197 (18) of the statutes is amended to read:~~

~~15.197 (18) COUNCIL ON PILOT PROJECTS FOR THE UNINSURED. There is created a council on pilot projects for the uninsured which is attached to the department of health and social services under s. 15.03. The council shall consist of 9 members appointed for terms ending June 30, 1991, or on the effective date of the 1991-93 last biennial budget bill, whichever is later act to be enacted in the 1991-93 fiscal biennium. Of those 9 members, 5 shall be appointed by the governor, 2 shall be appointed by the speaker of the assembly and 2 shall be appointed by the president of the senate. This subsection does not apply after June 30, 1993.~~

~~SECTION 81m. 15.197 (18) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:~~

~~15.197 (18) COUNCIL ON PILOT PROJECTS FOR THE UNINSURED. There is created a council on pilot projects for the uninsured which is attached to the department of health and social services under s. 15.03. The council shall consist of 9 members appointed for terms ending on the effective date of the last 1991-93 biennial budget act to be enacted in the 1991-93 fiscal biennium. Of those 9 members, 5 shall be appointed by the governor, 2 shall be appointed by the speaker of the assembly and 2 shall be appointed by the president of the senate. This subsection does not apply; applies only after June 30, 1993.~~

SECTION 82. 15.227 (17) (b) (intro.), 1 and 2 of the statutes are amended to read:

15.227 (17) (b) (intro.) The council shall have 15 19 members, serving 5-year terms, consisting of:

1. Five ~~Seven~~ representatives of the labor community in this state.
2. Five ~~Seven~~ representatives of the management community in this state.

SECTION 83. 15.313 (title) of the statutes is created to read:

15.313 (title) Same; specified division.

SECTION 84. 15.315 (title) of the statutes is created to read:

15.315 (title) Same; attached board.

SECTION 85. 15.315 (1) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

15.315 (1) STATE EMERGENCY RESPONSE BOARD. There is created a state emergency response board, which is attached to the department of military affairs under s. 15.03. The state emergency response board shall consist of one representative of the department of military affairs, division of emergency government, one representative of the department of health and social services, one representative of the department of corrections, one representative of the department of transportation, one representative of the department of natural resources, one representative each from fire fighting, law enforcement and public or community

health services, 2 representatives of industry, one representative of small business, as defined in s. 15.227 (3), 2 representatives who are elected officials or employees of county and municipal government, one representative of a labor organization and one representative of an environmental organization. The members of the board shall serve at the pleasure of the governor.

SECTION 85e. 15.345 (1) (a) 3m of the statutes is created to read:

15.345 (1) (a) 3m. One resident of the Lake Winnebago watershed area.

SECTION 85g. 15.345 (1) (a) 4 of the statutes is amended to read:

15.345 (1) (a) 4. ~~The other 2 residents shall be~~ One resident from the inland area of the state.

SECTION 85r. 15.345 (6) of the statutes is created to read:

15.345 (6) LOWER WISCONSIN STATE RIVERWAY BOARD. (a) There is created a lower Wisconsin state riverway board, which is attached to the department of natural resources under s. 15.03.

(b) The board shall be composed of the following members appointed for 3-year terms:

1. One member from Crawford county.
2. One member from Dane county.
3. One member from Grant county.
4. One member from Iowa county.
5. One member from Richland county.
6. One member from Sauk county.

7. Three other members who represent recreational user groups and who are not residents of any of the counties listed in subds. 1 to 6.

(c) The governor shall appoint each member under par. (b) 1 to 6 from a list, of at least 2 nominees, submitted by each respective county board.

(d) Each member under par. (b) 1 to 6 shall be either of the following:

1. An elected official at the time of appointment of a city or village that abuts the lower Wisconsin state riverway, as defined in s. 30.40 (15), or of a town or a county that is located at least in part in the lower Wisconsin state riverway, as defined in s. 30.40 (15).

2. A resident at the time of appointment of a city or village that abuts the lower Wisconsin state riverway, as defined in s. 30.40 (15), or of a town that is located at least in part in the lower Wisconsin state riverway, as defined in s. 30.40 (15).

SECTION 85t. 15.347 (1) of the statutes is repealed.

SECTION 86b. 15.347 (16) of the statutes is created to read:

15.347 (16) STATE TRAILS COUNCIL. There is created in the department of natural resources a state trails council consisting of 9 members, appointed for 4-year terms, who are knowledgeable in the various recreational uses of trails.

SECTION 86d. 15.377 (7m) of the statutes is created to read:

15.377 (7m) COUNCIL ON SUICIDE PREVENTION. There is created a council on suicide prevention in the department of public instruction. The council shall consist of 2 persons appointed by the state superintendent of public instruction, at least one of whom is not an employee of the department of public instruction, 2 persons appointed by the secretary of health and social services, at least one of whom is not an employee of the department of health and social services, one person and one physician appointed jointly by the state superintendent of public instruction and the secretary of health and social services and one person appointed by the executive staff director of the office of justice assistance in the department of administration. Members shall be appointed for 3-year terms.

~~SECTION 86g. 15.377 (8) of the statutes is created to read.~~

Vetoed in Part 15.377 (8) ENVIRONMENTAL EDUCATION COORDINATING COUNCIL. (a) *Creation*. There is created in the department of public instruction an environmental education coordinating council.

(b) *Members*. The environmental education coordinating council shall consist of the following members:

1. The state superintendent of public instruction.
2. The secretary of natural resources.
3. The chancellor of the university of Wisconsin-extension.
4. The dean of the university of Wisconsin-Stevens Point college of natural resources.
5. One majority and one minority party senator and one majority and one minority party representative to the assembly, appointed as are the members of standing committees in their respective houses.
6. A number of public members appointed for 4-year terms by the state superintendent of public instruction to represent environmental education organizations, nature and environmental centers, youth organizations, conservation organizations, environmental organizations, fish and game organizations, agriculture, commerce, industry, university faculty organizations and public school teachers and administrators. The number of members appointed under this subdivision shall be determined by the state superintendent.

(c) *Designees*. Members of the council under par. (b) 1 to 4 may appoint designees to serve on the council, if the designee is an employee or appointive officer of the agency who has sufficient authority to deploy agency resources and directly influence agency decision making.

(d) *Staff*. The state agencies with membership on the council shall provide adequate staff to conduct the functions of the council.

~~(e) *Meetings*. The council shall meet at least 4 times each year and may meet at other times on the call of its chairperson.~~

Vetoed in Part

~~SECTION 86k. 15.405 (1m) of the statutes is created to read:~~

15.405 (1m) ACUPUNCTURE EXAMINING BOARD. There is created in the department of regulation and licensing an acupuncture examining board consisting of 3 members appointed for 3-year terms. Two members shall be acupuncturists certified under ch. 451 and one member shall be a public member.

Vetoed in Part

~~SECTION 86L. 15.435 (1) (a) 1 of the statutes is amended to read:~~

15.435 (1) (a) 1. The secretaries of tourism and development and revenue or their designees.

Vetoed in Part

SECTION 86m. 15.435 (1) (g) of the statutes is amended to read:

15.435 (1) (g) *Assistance; advice*. The board 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.~~

~~SECTION 86n. 15.435 (2) of the statutes is amended to read:~~

15.435 (2) BADGER BOARD. There is created a badger board, attached to the department of revenue under s. 15.03, consisting of the secretaries of tourism and development, revenue and natural resources or their designees, the governor in his or her capacity as chairperson of the building commission, or his or her designee, and the board of commissioners of public lands under article X, section 7, of the constitution.

Vetoed in Part

SECTION 90m. 15.497 (2) of the statutes is amended to read:

15.497 (2) COUNCIL ON VETERANS PROGRAMS. There is created in the department of veterans affairs a council on veterans programs consisting of one representative each of the state departments of the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Marine Corps League, the United Spanish War Veterans, the Navy Club of the U.S.A., the Veterans of World War II (AMVETS), the Veterans of World War I of the U.S.A., Inc., the American Ex-prisoners of War, the Vietnam Veterans Against the War, Inc., the Vietnam Veterans of America, Inc., the Catholic War Veterans of the U.S.A., the Jewish War Veterans of the U.S.A., the Polish Legion of American Veterans, the National Association of Black Veterans, the Army and Navy Union of the United States of America, the National Wisconsin Association of Concerned Veterans Veteran Organizations, the United Women Veterans, Inc., and the Military Order of the Purple Heart, one representative of the American Red Cross and one representative of the Wisconsin county veterans' service officers, appointed for one-year terms by the organization each represents.

SECTION 91. 15.55 of the statutes is amended to read:

15.55 Office of commissioner of banking; creation. There is created an office of the commissioner of banking under the direction and supervision of the commissioner of banking. No person may be appointed commissioner who has not had actual practical experience for at least 5 3 years, either as an executive officer in a bank, or service in a banking supervisory authority, or a combination thereof of both.

SECTION 92. 15.59 of the statutes is amended to read:

15.59 Office of the commissioner of credit unions; creation. There is created an office of the commissioner of credit unions under the direction and supervision of the commissioner of credit unions. No person may be appointed commissioner who has not had at least ~~10 years~~ 3 years of actual experience either in the operation of a credit union, or serving in a credit union supervisory capacity, or a combination of both.

~~SECTION 93b. 15.707 (1) of the statutes is amended to read:~~

~~15.707 (1) HISTORICAL MARKERS COUNCIL. There is created in the historical society a historical markers council. The council shall consist of the director of the historical society, the state superintendent of public instruction, the secretary of transportation, the secretary of natural resources and the secretary of the department of tourism and development, or their designees. The director of the historical society or a designee shall serve as secretary of the council.~~

SECTION 93m. 15.77 of the statutes is repealed.

SECTION 94. 15.82 of the statutes is amended to read:

15.82 Office of commissioner of savings and loan; creation. There is created an office of the commissioner of savings and loan under the direction and supervision of the commissioner of savings and loan. No person may be appointed commissioner who has not had actual practical experience for at least 5 3 years, either as an executive officer of a savings and loan association, or service in a savings and loan supervisory authority, or a combination of both.

SECTION 95e. 15.915 (4) (e) of the statutes is created to read:

15.915 (4) (e) *Application.* This subsection does not apply after June 30, 1991.

~~SECTION 95h. 15.917 (2m) of the statutes is created to read:~~

~~15.917 (2m) COUNCIL ON PHYSICIAN LOANS. There is created in the university of Wisconsin system a council on physician loans consisting of 8 members nominated by the governor, and with the advice and consent of the senate appointed, for 5-year terms and the secretary of health and social services, or his or her~~

~~designees. The appointed members shall include a representative of each of the following:~~

- ~~(a) The university of Wisconsin medical school.~~
- ~~(b) The medical college of Wisconsin, Inc.~~
- ~~(c) The Wisconsin primary health care association.~~
- ~~(d) The state medical society of Wisconsin.~~

SECTION 95m. 15.917 (3) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

15.917 (3) RADIOACTIVE WASTE TECHNICAL COUNCIL. There is created in the university of Wisconsin system a radioactive waste technical council consisting of the secretary of health and social services, the secretary of natural resources, the secretary of transportation, the attorney general, the administrator of the division of emergency government in the department of military affairs, the head of the subunit responsible for state planning and energy in the department of administration, the state geologist, the chairperson of the public service commission and the president of the university of Wisconsin system or their designees. In addition, the radioactive waste review board may appoint 2 additional members with technical expertise in fields related to the long-term disposal of high-level radioactive waste and transuranic waste. This subsection does not apply after June 30, 1991.

SECTION 97m. 16.003 (2) of the statutes is amended to read:

16.003 (2) Except as provided in s. ss. 16.548 and 16.57, the secretary shall appoint the staff necessary for performing the duties of the department. All staff shall be appointed under the classified service except as otherwise provided by law.

SECTION 99. 16.006 of the statutes is renumbered 230.48 and amended to read:

230.48 State employees suggestion board. (1) DUTIES. The state employees suggestion board shall do all of the following:

(a) Formulate, establish and maintain a plan or plans to encourage and reward unusual and meritorious suggestions and accomplishments by state employees promoting efficiency and economy in the performance of any function of state government;

(b) Appoint departmental or divisional committees to analyze and review suggestions and accomplishments of state employees submitted for consideration under such the plan or plans established under par. (a), and make recommendations thereon regarding the plan or plans to the state employees suggestion board;

(c) Make and render awards to or for the benefit of state employees nominated to receive them in accordance with such the plan or plans established under par. (a).

(2) PERSONNEL, FACILITIES AND EQUIPMENT. The department shall appoint, under the classified service, a secretary and such other employees as are necessary

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to carry out the ~~board's~~ duties of the state employees suggestion board, and shall provide such facilities and equipment as ~~the~~ that board requires for the proper performance of its work. The state employees suggestion board may request and shall receive from any state department ~~such~~ any assistance as ~~that~~ it requires.

(3) AWARDS. The state employees suggestion board may determine the nature and extent of the awards to be made under this section which may include, but shall not be limited to, all of the following:

(a) Certificates, medals or other insignia ~~which shall be in such, in the form and shall be awarded at such the times as that the state employees suggestion board determines;~~

(b) Cash awards, ~~which shall be of such in the amount and shall be payable at such the times as that the state employees suggestion board determines.~~

(4) RULES. The state employees suggestion board may promulgate rules governing the operation of any plan or plans established under this section sub. (1) (a), the eligibility and qualifications of state employees participating ~~therein~~ under this section, the character and quality of suggestions and accomplishments submitted for consideration, the method of their submission and the procedure for their review, nominations for awards, and the kind, character and value of ~~such the~~ the awards, and ~~such any~~ any other rules as are necessary for the proper administration of this section or for the accomplishment of the purposes ~~thereof~~ of this section.

SECTION 100. 16.007 (6) (a) of the statutes is amended to read:

16.007 (6) (a) Except as provided in par. (b), whenever the claims board by unanimous vote finds that payment of ~~not more than \$1,000~~ to a claimant of not more than the amount specified in s. 799.01 (1) is justified, it may order the amount ~~so found to be that it finds justified to be paid on its own motion without submission of the claim in bill form to the legislature.~~ Such amounts The claim shall be paid on vouchers a voucher upon the certification of the chairperson and secretary of the board, and shall be charged as provided in sub. (6m).

SECTION 102. 16.009 (2) (j) of the statutes is amended to read:

16.009 (2) (j) Provide information and counseling to consumers regarding insurance policies available to supplement federal medicare insurance coverage, including long-term care insurance, and the eligibility requirements for medical assistance under s. 49.46 (1), 49.468 or 49.47 (4). To implement this responsibility, the board shall provide training, educational materials and technical assistance to volunteer organizations and private businesses willing and able to provide insurance and medical assistance eligibility information and counseling, in order that these organizations and businesses may provide the information and counseling to consumers.

SECTION 103. 16.009 (3) of the statutes is repealed and recreated to read:

16.009 (3) The board on aging and long-term care may:

(a) Contract with any state agency to carry out the board's activities.

(b) Examine the clinical records of a resident of a nursing facility, if permitted by the resident or the resident's legal counsel under s. 49.498 (5) (e).

SECTION 104. 16.01 (1) (intro.) and (b) of the statutes are consolidated, renumbered 16.01 (1) and amended to read:

16.01 (1) In this section: ~~(b) "Agency", "agency"~~ means any office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law which is entitled to expend moneys appropriated by law, including the legislature and the courts, and any authority created under ch. 231 or 234.

SECTION 105. 16.01 (1) (a) of the statutes is repealed.

SECTION 106. 16.01 (4) of the statutes is repealed.

SECTION 107. 16.03 of the statutes is created to read:

16.03 Board on the U.S.S. Wisconsin. The board on the U.S.S. Wisconsin may:

(1) Maintain the bond between the residents of this state and the battleship which bears this state's name.

(2) Maintain communication with the battleship's home port officials.

(3) Maintain communication between the battleship's home port officials and residents of this state.

(4) Develop and evaluate programs for the benefit of the crew of the battleship.

(5) Cooperate with the historical society for purposes of maintaining a permanent exhibit in the state relating to the history of the 2 battleships named "Wisconsin".

(6) Coordinate with the U.S. navy and the commanding officer of the battleship to ensure that the spirit of Wisconsin, as evidenced by the strength of its people, its diverse commerce, agriculture and industry, the contribution of its veterans, its recreational advantages, and its employment and business opportunities, is carried around the world as the battleship carries out its duties.

(7) Disseminate public information concerning the history and operations of the battleship.

(8) Accept gifts, grants or bequests for support of the board's mission under this section without approval of the joint committee on finance under s. 20.907 (1).

SECTION 107m. 16.08 of the statutes is renumbered 36.50, and 36.50 (14), as renumbered, is amended to read:

36.50 (14) STATE AGENCIES TO COOPERATE. The ~~board shall rely on the expertise of geological and nat-~~

ural history survey shall provide staff in other state agencies and other administrative services to assist the board in its duties whenever possible. Other state agencies shall assist the board in fulfilling its duties to the fullest extent possible.

SECTION 108. 16.135 of the statutes is created to read:

16.135 Low-level radioactive waste council. (1) The low-level radioactive waste council shall do all of the following:

(a) Advise the midwest interstate low-level radioactive waste commissioner representing this state under s. 16.11.

(b) Be convened by the commissioner as necessary, but at least twice yearly, to review activities of the midwest interstate low-level radioactive waste commission.

(c) Make studies and recommend solutions and policy alternatives relating to matters before the commission.

(d) Present recommendations in writing to the governor and the legislature as requested or as necessary to ensure adequate exchange of information on activities and programs of the commission.

(2) This section does not apply after July 1, 1996.

~~SECTION 108a. 16.20 (1) (cm) of the statutes is created to read:~~

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~~16.20 (1) (cm) "Human services activity" means an activity which promotes the social well-being of children, the elderly, persons with physical or developmental disabilities or persons with low incomes.~~

~~SECTION 108b. 16.20 (1) (d) of the statutes is amended to read:~~

~~16.20 (1) (d) "In-kind services and materials" includes services such as training, supervision, administration, transportation, insurance liability coverage and similar services and materials such as supplies, fuel, tools, equipment, safety equipment and other materials for a conservation project.~~

~~SECTION 109. 16.20 (1) (g) of the statutes is amended to read:~~

~~16.20 (1) (g) "State agency" has the meaning specified for agency under s. 227.01 (1) but also includes the office of district attorney.~~

~~SECTION 109e. 16.20 (2) (b) of the statutes is amended to read:~~

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in Part

~~16.20 (2) (b) Conservation. Conserving, developing, enhancing or maintaining the natural resources of this state through the implementation of conservation projects which have a long-term beneficial impact on the environment.~~

~~SECTION 109g. 16.20 (2) (d) of the statutes is created to read:~~

~~16.20 (2) (d) Human services. Promoting the social well-being of children, the elderly, persons with physical or developmental disabilities and persons with low incomes through the implementation of projects that include human services activities.~~

~~SECTION 109i. 16.20 (3) of the statutes is amended to read:~~

~~16.20 (3) PROGRAM RESPONSIBILITY AND COORDINATION. The board is the policy-making body responsible for the Wisconsin conservation corps program and shall establish guidelines for this program. The board may delegate responsibility for administration, implementation of conservation projects, corps enrollee employment and supervision, project coordination and other details of the program to the executive secretary or other staff of the board. The department shall assist the board in payroll, accounting and related management functions.~~

~~SECTION 110. 16.20 (4) (b) of the statutes is amended to read:~~

~~16.20 (4) (b) Staff. The board shall employ staff within the classified service which is necessary to administer the Wisconsin conservation corps program, including staff to coordinate, supervise and implement conservation projects, to recruit and train corps enrollees and to provide administrative, typing and clerical services. The department shall provide staff within the classified service which is necessary to provide for payroll, accounting and related management functions associated with the Wisconsin conservation corps program.~~

~~SECTION 110b. 16.20 (5) (title) and (a) of the statutes are amended to read:~~

~~16.20 (5) (title) APPLICATION FOR PROJECT APPROVAL (a) Eligible sponsors. The federal government, a state agency, local unit of government or non-profit organization may apply to the board for approval of a conservation project.~~

~~SECTION 110c. 16.20 (5) (b) (c) (intro.) and (d) of the statutes are amended to read:~~

~~16.20 (5) (b) Eligible projects. In order to qualify as an approved conservation project, the project is required to provide employment opportunities and to be a conservation activity consist of conservation activities or human services activities or both. If the sponsor is a nonprofit organization, the project is required to serve a valid public purpose in order to qualify as an approved conservation project.~~

~~(c) Sponsor's application. (intro.) In order to qualify as an approved conservation project, the sponsor is required to submit in the application:~~

~~(d) Local government sponsors. The board and department shall encourage local units of government to apply for the approval of conservation projects and shall provide assistance and information to facilitate these applications.~~

~~SECTION 110e. 16.20 (6) (intro.) of the statutes is amended to read:~~

~~16.20 (6) (title) GUIDELINES FOR PROJECT APPROVAL (intro.) The board shall establish guidelines to be used in selecting conservation projects for approval. These guidelines shall include:~~

Vetoed
in Part

Vetoed
in Part

SECTION 110g. 16.20 (6) (bm) of the statutes is created to read:

16.20 (6) (bm) *Human services.* The extent to which the project will promote the social well-being of children, the elderly, persons with physical or developmental disabilities and persons with low incomes. The guidelines shall give priority to projects providing services to children and the elderly.

SECTION 110j. 16.20 (7) of the statutes is amended to read:

16.20 (7) (title) *Project funding.* (a) (title) *Conservation activities; appropriations.* Moneys appropriated under s. 20.399 (1) (j), (m) and (q) may be utilized for conservation projects activities as authorized under those appropriations.

(b) *Other state agency appropriations.* A state agency may utilize moneys from any appropriation for that agency to sponsor a conservation project if implementation of the conservation project is consistent with any purpose for which the moneys are appropriated.

SECTION 110L. 16.20 (7) (am) of the statutes is created to read:

16.20 (7) (am) *Human services activities; appropriations.* Moneys appropriated under s. 20.399 (1) (a), (j) and (m) may be utilized for human services activities as authorized under those appropriations.

SECTION 110n. 16.20 (8) (title) and (d) to (L) of the statutes are amended to read:

16.20 (8) (title) *ADMINISTRATION; PROJECT APPROVAL; WORK PLANS; IMPLEMENTATION; ENROLLEE SUPERVISION.*

(d) *Approval. Conservation projects.* Projects shall be selected and approved by the board based on guidelines established under sub. (6).

(e) *Complete project cost estimate.* Prior to approval of a conservation project, the executive secretary shall prepare and submit to the board a complete project cost estimate. This estimate shall include a summary of all anticipated costs resulting from the implementation of the project.

(f) *Detailed work plan.* Prior to approval of a conservation project, the executive secretary shall prepare and submit to the board a detailed work plan specifying the nature, scope and duration of the project; the number of corps enrollees; training; supervisory, administrative and other service requirements; supply, fuel, tool, equipment, safety equipment and other material requirements; time schedules, and other details relating to the implementation of the project.

(g) *Responsibility agreement.* Prior to approval of a conservation project, the executive secretary shall prepare and submit to the board a responsibility agreement which incorporates the complete project cost estimate and detailed work plan and specifies in detail the responsibilities of the sponsor and the board with respect to the project.

(h) *Signing of responsibility agreement.* A conservation project is not authorized and may not be imple-

mented until the sponsor and the board sign the responsibility agreement.

(j) *Implementation.* Except as provided in a responsibility agreement, the board is responsible for the implementation of an authorized conservation project. The board may delegate to a sponsor responsibility for implementing various aspects of a conservation project in the responsibility agreement.

(k) *Enrollee supervision.* The board is responsible for the overall supervision and control of corps enrollees. The board may delegate to a sponsor responsibility for enrollee recruitment, training and supervision and for administrative services to be provided for a conservation project in the responsibility agreement.

(L) *Project coordination.* The board is responsible for the coordination of work activities related to various conservation projects in the same area.

SECTION 110p. 16.20 (9) (b) of the statutes is amended to read:

16.20 (9) (b) *Education and training.* The board shall facilitate arrangements with local schools and institutions of higher education for academic study by corps enrollees during nonworking hours to upgrade literacy skills, obtain equivalency diplomas or college degrees or enhance employable employment skills. The board shall encourage the development of training programs for corps enrollees for use during time periods when circumstances do not permit work on a conservation project.

SECTION 110sd. 16.20 (10) (c) of the statutes is amended to read:

16.20 (10) (c) *Wages.* Corps members shall be paid at the prevailing federal minimum wage or the applicable state minimum wage established under ch. 104, whichever is greater. Assistant crew leaders and crew leaders may be paid more than the prevailing federal minimum wage or applicable state minimum wage.

SECTION 110se. 16.20 (10) (c) of the statutes, as affected by 1989 Wisconsin Act ... (this act) is repealed and recreated to read:

16.20 (10) (c) *Wages.* Corps members shall be paid at the prevailing federal minimum wage or the applicable state minimum wage established under ch. 104, whichever is greater. Assistant crew leaders and crew leaders may be paid more than the prevailing federal minimum wage or applicable state minimum wage. Corps enrollees shall receive their pay for the previous pay period on the last working day of the current pay period.

SECTION 111. 16.20 (10) (g) 1 of the statutes is amended to read:

16.20 (10) (g) 1. A person who is employed as a corps enrollee for a one-year period of continuous employment, as determined by standards adopted by the board, and who receives a satisfactory employment evaluation upon termination of employment is entitled to an incentive payment of \$500 or an education voucher which that is worth at least \$1,000 but not more than \$1,500 \$1,800.

Vetoed
in Part

Vetoed
in Part

SECTION 111d. 16.20 (10) (h) of the statutes is amended to read:

Vetoed
in Part

16.20 (10) (h) *Helmet, footwear, safety equipment.* The board shall provide each corps enrollee working on a conservation activity with a safety helmet displaying a Wisconsin conservation corps emblem. The board shall require each corps enrollee to have adequate protective footwear, if needed for the project, and may partially reimburse corps enrollees for the cost of obtaining this footwear. The board shall ensure that all other necessary safety equipment is provided for each corps enrollee working on a conservation project.

SECTION 111f. 16.20 (12) (am) of the statutes is amended to read:

16.20 (12) (am) *Employment of certain persons.* On and after January 1, 1988, the board shall attempt to hire at least 50% of its corps members from among those persons who are eligible to receive receiving public assistance at the time of application for employment, who have received public assistance within one year of the time of application for employment or who are likely to be eligible for public assistance if they do not obtain employment.

SECTION 111g. 16.20 (12) (c) of the statutes is amended to read:

Vetoed
in Part

16.20 (12) (c) *Hiring procedure.* The board shall develop procedures for the hiring of corps enrollees in cooperation with the department of industry, labor and human relations. The board shall utilize any appropriate local job service office in the area of a conservation project to distribute applications, conduct interviews and evaluate applicants and make recommendations concerning the hiring of corps enrollees. The board may utilize project sponsors who are sponsoring long-term conservation projects to conduct interviews, evaluate applicants and make recommendations concerning the hiring of corps enrollees.

SECTION 111j. 16.20 (13) (a) of the statutes is amended to read:

16.20 (13) (a) *Enrollment period.* The normal enrollment period for a corps member who is not promoted to assistant crew leader is one year. The normal enrollment period for a corps member who is promoted to assistant crew leader or for a person who is hired as assistant crew leader is 2 years. The board may authorize the employment of a corps member or assistant crew leader beyond the normal enrollment period for a limited time, not to exceed 3 months, under special circumstances where continued employment is required in order to complete a conservation project in progress. The normal enrollment period for a crew leader is 2 years. The board may extend the employment of a crew leader beyond the normal enrollment period if the crew leader possesses special experience, training or skills valuable to the program.

SECTION 111m. Subchapter II of chapter 16 of the statutes is created to read:

CHAPTER 16
SUBCHAPTER II
HOUSING ASSISTANCE

16.30 Definitions. In this section:

(1) "Community-based organization" means an organization operating in a specific geographic area that is organized primarily to provide housing opportunities for persons or families of low or moderate income, and that is one of the following:

(a) A nonstock, nonprofit corporation organized under ch. 181.

(b) A nonprofit cooperative organized under ch. 185.

(c) A federally recognized American Indian tribe or band in this state or an entity established by a federally recognized American Indian tribe or band.

(2) "Housing authority" means any of the following:

(a) A housing authority organized under s. 59.075, 61.73, 66.395 or 66.40 or ch. 234.

(b) A redevelopment authority or housing and community development authority exercising the powers of a housing authority under s. 66.431 (5) (a) 9 or 66.4325 (4).

(c) A housing authority organized by the elected governing body of a federally recognized American Indian tribe or band in this state.

(3) "Housing costs" means whichever of the following applies:

(a) For housing occupied by the owner, any of the following:

1. The principal and interest on a mortgage loan that finances the purchase of the housing.

2. Closing costs and other costs associated with a mortgage loan.

3. Mortgage insurance.

4. Property insurance.

5. Utility-related costs.

6. Property taxes.

7. If the housing is owned and occupied by members of a cooperative, fees paid to a person for managing the housing.

(b) For rented housing, any of the following:

1. Rent.

2. Occupancy charges other than rent.

3. Utility-related costs, if not included in the rent.

(4) "Persons or families of low or moderate income" means whichever of the following applies:

(a) Except as provided in par. (b), a person or family whose total household income is at or below 150% of the poverty line.

(b) If a person or family lives or will live in a reinvestment neighborhood or area designated under s. 66.465 (2), a person or family whose total household income is at or below 175% of the poverty line.

Vetoed
in Part

Vetoed
in Part

Vetoed in Part (5) "Poverty line" means the poverty line as defined and revised under 42 USC 9902.

(6) "Utility-related costs" means costs related to power, heat, gas, light, water and sewerage.

16.33 Housing cost grants and loans. (1) The department shall do all of the following:

(a) Subject to sub. (2), make grants or loans, directly or through agents designated under s. 16.34, from the appropriation under s. 20.505 (7) (b) to persons or families of low or moderate income to defray housing costs of the person or family.

(b) Determine the rate of interest, repayment terms or any other term of a loan made under this section.

(c) Set minimum standards for housing that is occupied by a person or family of low or moderate income who receives a grant or loan under this section.

(2) In connection with grants and loans under sub. (1), the department shall do all of the following:

(a) Base the amount of the grant or loan on the ratio between the recipient's housing costs and income.

Vetoed in Part (b) Try to use at least 50% of the money appropriated under s. 20.505 (7) (b) for grants and loans to persons or families who are at or below the federal poverty line.

(c) Ensure that the funds for the grants and loans are reasonably balanced among geographic areas of this state.

(d) Ensure that the funds for the grants and loans are reasonably balanced among the varying housing needs of persons or families of low or moderate income.

(e) Give priority for grants and loans to all of the following:

1. Homeless individuals and families.
2. Elderly persons.
3. Physically disabled persons.

Vetoed in Part 4. Persons or families with incomes at or below the poverty line.

5. Families in which at least one minor child but only one parent live together.

6. Families with 4 or more minor children living together.

7. Other persons or families that the department determines have particularly severe housing problems.

(3) The department may make grants or loans under sub. (1) (a) directly or through agents designated under s. 16.34.

16.34 Designated agents. (1) The department may enter into an agreement with an agent designated under sub. (2) to allow the designated agent to do any of the following:

(a) Award grants and loans under s. 16.33 (1) and (2) subject to the approval of the department.

(b) Disburse the funds for grants and loans to persons or families of low or moderate income on terms approved by the department.

(2) The department may designate any of the following as agents:

(a) The governing body of a county, city, village or town.

(b) The elected governing body of a federally recognized American Indian tribe or band in this state.

(c) A housing authority.

(d) A nonstock, nonprofit corporation organized under ch. 181.

(e) A cooperative organized under ch. 185, if the articles of incorporation or bylaws of the cooperative limit the rate of dividend that may be paid on all classes of stock.

(f) A religious society organized under ch. 187.

16.36 Grants to local housing organizations. (1) The department may make grants to a community-based organization or housing authority to improve the ability of the community-based organization or housing authority to provide housing opportunities for persons or families of low or moderate income. The grants may be used to partially defray any of the following:

(a) Salaries, fringe benefits and other expenses associated with personnel of the housing authority or community-based organization.

(b) Administrative or operating costs, not described in par. (a).

(2) The department may not make a grant under sub. (1) unless all of the following apply:

(a) The housing authority or community-based organization submitted an application for a grant.

(b) The housing authority or community-based organization equally matches the grant, by cash or by other assets in kind.

(c) The department determines that the grant to the particular community-based organization or housing authority is appropriate because of any of the following:

1. The quality of the management of the community-based organization or housing authority.

2. The amount of other resources for providing housing opportunities that are available to the community-based organization or housing authority.

3. The potential impact of the planned activities of the community-based organization or housing authority on housing opportunities for persons of low and moderate income in the area.

4. The financial need of the community-based organization or housing authority.

(3) A community-based organization or housing authority may not receive more than 2 grants under sub. (1) (a) or more than one grant under sub. (1) (b). A community-based organization or housing authority may receive grants under both sub. (1) (a) and (b).

(4) To ensure the development of housing opportunities, the department shall coordinate the use of grants provided under this section with projects

undertaken by housing authorities and community-based organizations.

Vetoed in Part **16.37 Mortgage insurance assistance.** (1) ~~On or before October 1, 1989,~~ the governor shall submit a report to the joint committee on finance which contains all of the following:

(a) A discussion of the need for a state-funded mortgage insurance program.

(b) A plan for using the funds appropriated under s. 20.505 (7) (e) to help persons with low or moderate incomes obtain mortgage insurance.

(2) Except as provided in sub. (3), the department:

(a) May only expend the amounts appropriated under s. 20.505 (7) (e) in accordance with the plan submitted under sub. (1) (b) and approved under par. (b).

(b) May not expend any of the funds appropriated under s. 20.505 (7) (e) until the joint committee on finance approves the plan submitted under sub. (1) (b).

(3) The department may transfer money from the appropriation under s. 20.505 (7) (e) to the appropriations under s. 20.505 (7) (b) and (d) if the joint committee on finance does any of the following in connection with the plan submitted by the governor under sub. (1) (b):

(a) Considers the plan, but approves no part of it.

(b) Determines not to consider the plan.

(4) This section does not apply after June 30, 1991.

Vetoed in Part **16.38 Housing trust fund advisory council.** The housing trust fund advisory council shall advise the department on all of the following:

(1) Ways to maximize the receipt in this state of federal funds for housing.

(2) Ways to maximize efforts on the local level to improve housing available to persons or families with low or moderate incomes.

(3) The implementation of the programs under ss. 16.33 and 16.36 and other programs related to housing.

SECTION 112m. 16.40 (15) of the statutes is created to read:

16.40 (15) BADGER STATE GAMES ASSISTANCE. Provide, from the appropriation under s. 20.505 (1) (f), financial assistance for the operation of the badger state games.

SECTION 112n. 16.40 (15) of the statutes, as created by 1989 Wisconsin Act (this act), is repealed.

Vetoed in Part SECTION 113e. 16.41 (1) of the statutes is amended to read:

16.41 (1) All agencies shall keep their accounts and other financial records as prescribed by the secretary under s. 16.40 (5), except as otherwise specifically directed by law. All agencies and authorities shall furnish to the secretary all information relating to their financial transactions which the secretary requests pursuant to this subchapter for such periods

as the secretary requests, and shall render such assistance in connection with the preparation of the state budget report and the biennial budget bill and in auditing accounts, as the secretary or the governor may require. ~~This subsection does not apply after June 30, 1993.~~

Vetoed in Part SECTION 113f. 16.41 (1) of the statutes, as affected by 1989 Wisconsin Act (this act), is amended to read:

16.41 (1) All agencies shall keep their accounts and other financial records as prescribed by the secretary under s. 16.40 (5), except as otherwise specifically directed by law. All agencies and authorities shall furnish to the secretary all information relating to their financial transactions which the secretary requests pursuant to this subchapter for such periods as the secretary requests, and shall render such assistance in connection with the preparation of the state budget report and the biennial budget bill and in auditing accounts, as the secretary or the governor may require. ~~This subsection does not apply after June 30, 1993.~~

SECTION 113m. 16.415 (3) of the statutes is amended to read:

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

Vetoed in Part SECTION 114g. 16.45 of the statutes, as affected by 1987 Wisconsin Act 4, section 8m, and 1987 Wisconsin Act 186, section 12, is amended to read:

16.45 Budget message to legislature. In each regular session of the legislature the governor shall deliver the budget message to the 2 houses in joint session assembled. Unless a later date is requested by the governor and approved by the legislature in the form of a joint resolution, the budget message shall be delivered on or before the last Tuesday in January. With the message the governor shall transmit to the legislature, as provided in ss. 16.46 and 16.47, the biennial state budget report and the executive budget bills together with

~~suggestions for the best methods for raising the needed revenues. This section does not apply after June 30, 1993.~~

SECTION 114h. 16.45 of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

16.45 Budget message to legislature. In each regular session of the legislature, the governor shall deliver the budget message to the 2 houses in joint session assembled. Unless a later date is requested by the governor and approved by the legislature in the form of a joint resolution, the budget message shall be delivered on or before the last Tuesday in January. With the message the governor shall transmit to the legislature, as provided in ss. 16.46 and 16.47, the biennial state budget report and the executive budget bills together with suggestions for the best methods for raising the needed revenues. ~~This section does not apply~~ applies only after June 30, 1993.

Vetoed
in Part

SECTION 114m. 16.47 (1) of the statutes is amended to read:

16.47 (1) The executive budget bill or bills shall incorporate the governor's recommendations for appropriations for the succeeding fiscal biennium. The executive budget bills shall consist of the following: a) a revenue bill; b) a natural resources bill; c) a transportation bill; d) a capital bill pertaining to state construction projects except highway construction projects; and e) a general executive bill pertaining to all other matters. The appropriation method shown in the bill or bills 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. ~~This subsection does not apply after June 30, 1993.~~

SECTION 114n. 16.47 (1) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

16.47 (1) The executive budget bill or bills shall incorporate the governor's recommendations for appropriations for the succeeding fiscal biennium. The executive budget bills shall consist of the following: a) a revenue bill; b) a natural resources bill; c) a transportation bill; d) a capital bill pertaining to state construction projects except highway construction projects; and e) a general executive bill pertaining to all other matters. The appropriation method shown in the bill or bills 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. ~~This subsection does not apply~~ applies only after June 30, 1993.

SECTION 115a. 16.47 (1m) of the statutes, as affected by 1987 Wisconsin Act 4, section 9m, is amended to read:

16.47 (1m) Immediately after the delivery of the budget message, the budget bill or bills shall be introduced without change into either house by the joint finance committee and when introduced shall be referred to that committee. ~~This subsection does not apply after June 30, 1993.~~

Vetoed
in Part

SECTION 115a. 16.47 (1m) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

16.47 (1m) Immediately after the delivery of the budget message, the budget bill or bills shall be introduced without change into either house by the joint finance committee and when introduced shall be referred to that committee. ~~This subsection does not apply~~ applies only after June 30, 1993.

SECTION 115b. 16.47 (1s) of the statutes is created to read:

16.47 (1s) The joint committee on finance shall report to the house of origin its recommendations with regard to each executive budget bill. If the committee recommends changes to any executive budget bill, it shall transmit a separate document incorporating its recommendations with respect to each executive budget bill. ~~This subsection does not apply after June 30, 1993.~~

SECTION 115c. 16.47 (1s) of the statutes, as created by 1989 Wisconsin Act ... (this act), is repealed.

SECTION 115m. 16.47 (2) of the statutes is amended to read:

16.47 (2) No bill containing an appropriation or increasing the cost of state government or decreasing state revenues in an annual amount exceeding \$10,000 shall be passed by either house until the executive budget bill has been passed both houses, except that the governor or the joint committee on finance may recommend such bills to the presiding officer of either house in writing for passage and the legislature may enact them, and except that the senate or assembly committee on organization may recommend to the presiding officer of its respective house any such bill not affecting state finances by more than \$100,000 biennially. Such bills shall be accompanied by a statement to the effect that they are emergency bills recommended by the governor, the joint committee on finance, or the senate or assembly committee on organization. Such statement by the governor or joint committee on finance shall be sufficient to permit passage prior to the executive budget bill bills. Such statement by the senate or assembly committee on organization shall be effective only to permit passage by its respective house. ~~This subsection does not apply after June 30, 1993.~~

SECTION 115n. 16.47 (2) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

Vetoed
in Part

~~16.47 (2) No bill containing an appropriation or increasing the cost of state government or decreasing state revenues in an annual amount exceeding \$10,000 shall be passed by either house until the executive budget bills have been passed by both houses, except that the governor or the joint committee on finance may recommend such bills to the presiding officer of either house in writing for passage and the legislature may enact them, and except that the senate or assembly committee on organization may recommend to the presiding officer of its respective house any such bill not affecting state finances by more than \$100,000 biennially. Such bills shall be accompanied by a statement to the effect that they are emergency bills recommended by the governor, the joint committee on finance, or the senate or assembly committee on organization. Such statement by the governor or joint committee on finance shall be sufficient to permit passage prior to the executive budget bills bill. Such statement by the senate or assembly committee on organization shall be effective only to permit passage by its respective house. This subsection does not apply after June 30, 1993.~~

SECTION 117. 16.50 (1) (b) of the statutes is amended to read:

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

Vetoed
in Part

~~SECTION 118e. 16.50 (7) (a) of the statutes, as affected by 1987 Wisconsin Act 4, section 14m, is amended to read:~~

~~16.50 (7) (a) If following the enactment of the all biennial budget act in any fiscal biennium the secretary determines that previously authorized expenditures will exceed revenues in the current or forthcoming fiscal year by more than one-half of one percent of the estimated general purpose revenue appropriations for that fiscal year, he or she may not take any action under sub. (2) and shall immediately notify the governor, the presiding officers of each house of the legislature and the joint committee on finance. This paragraph does not apply after June 30, 1993.~~

SECTION 118f. 16.50 (7) (a) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

16.50 (7) (a) If following the enactment of all the biennial budget acts in any fiscal biennium the secretary determines that previously authorized expenditures will exceed revenues in the current or forthcoming fiscal year by more than one-half of one percent of the estimated general purpose revenue appropriations for that fiscal year, he or she may not take any action under sub. (2) and shall immediately notify the governor, the presiding officers of each house of the legislature and the joint committee on finance. This paragraph does not apply after June 30, 1993.

SECTION 118m. 16.505 (2) of the statutes is renumbered 16.505 (2) (a).

SECTION 118n. 16.505 (2) (b) of the statutes is created to read:

16.505 (2) (b) This subsection does not apply to full-time equivalent positions funded from the appropriations under s. 20.855 (8).

SECTION 119. 16.51 (7) of the statutes is amended 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 corrections, 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. 53.04 302.01, including prisoners transferred to 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 postconviction 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 119m. 16.515 (3) of the statutes is created to read:

16.515 (3) This section does not apply to supplementation of appropriations under s. 20.855 (8).

SECTION 120g. 16.517 of the statutes, as affected by 1987 Wisconsin Act 4, section 16m, and 1987 Wisconsin Act 27, section 78m, is amended to read:

16.517 Adjustments of program revenue positions and funding levels. No later than 30 days after the effective date of each the last biennial budget act to be enacted in each fiscal biennium, the department shall provide to the joint committee on finance a report indicating any initial modifications that are necessary to the appropriation levels established under that act for program revenue and program revenue-service appropriations as defined in s. 20.001 (2) (b) and (c) or to the number of full-time equivalent positions funded from program revenue and program revenue-service appropriations authorized by that act to account for any additional funding or positions authorized under ss. 16.505 (2) or (2m) and 16.515 in the fiscal year immediately preceding the biennium of the budget acts and not included in authorizations under the biennial budget act acts but which should be included as continued budget authorizations in the biennium of the budget acts. Such modifications shall be limited to adjustment of the appropriation or position levels to the extent required to account for higher base levels for the fiscal year immediately preceding the biennium

Vetoed
in Part

of the budget acts due to appropriation or position increases authorized under ss. 16.505 (2) or (2m) and 16.515 subsequent to October 1 of the fiscal year immediately preceding the biennium of the budget acts and prior to June 30 of that fiscal year. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed modifications within 14 working days after the date of the department's report, the modifications may be made. If, within 14 working days after the date of the department's report, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed modifications, the department may not make the modifications until the committee approves the report. ~~This section does not apply after June 30, 1993.~~

Vetoed
in Part

SECTION 120h. 16.517 of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

16.517 Adjustments of program revenue positions and funding levels. No later than 30 days after the effective date of the last each biennial budget act to be enacted in each fiscal biennium, the department shall provide to the joint committee on finance a report indicating any initial modifications that are necessary to the appropriation levels established under that act for program revenue and program revenue-service appropriations as defined in s. 20.001 (2) (b) and (c) or to the number of full-time equivalent positions funded from program revenue and program revenue-service appropriations authorized by that act to account for any additional funding or positions authorized under ss. 16.505 (2) or (2m) and 16.515 in the fiscal year immediately preceding the biennium of the budget acts act and not included in authorizations under the biennial budget acts act but which should be included as continued budget authorizations in the biennium of the budget acts act. Such modifications shall be limited to adjustment of the appropriation or position levels to the extent required to account for higher base levels for the fiscal year immediately preceding the biennium of the budget acts act due to appropriation or position increases authorized under ss. 16.505 (2) or (2m) and 16.515 subsequent to October 1 of the fiscal year immediately preceding the biennium of the budget acts act and prior to June 30 of that fiscal year. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed modifications within 14 working days after the date of the department's report, the modifications may be made. If, within 14 working days after the date of the department's report, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed modifications, the department may not make the modifications until the committee approves the

report. ~~This section does not apply after June 30, 1993.~~ Vetoed
in Part

SECTION 121. 16.52 (10) of the statutes is amended to read:

16.52 (10) DEPARTMENT OF PUBLIC INSTRUCTION. The provisions of sub. (2) with respect to refunds and sub. (5) (a) with respect to reimbursements for the prior fiscal year shall not apply to the appropriation appropriations under s. 20.255 (2) (ac), (ad) and (q).

~~SECTION 121e. 16.52 (12) of the statutes is created to read.~~ Vetoed
in Part

16.52 (12) GIFTS AND GRANTS TO STATE. Promulgate rules regulating the acceptance of gifts and grants by any agency as defined in sub. (7) from a source other than a governmental unit. The rules shall include guidelines for soliciting sponsors, rejecting inappropriate gifts and grants, avoiding the appearance of state endorsement of privately produced materials or privately offered services and ensuring that nothing of value is provided by an agency to a donor or grantor in return for a gift or grant.

SECTION 121g. 16.528 (2) (a) of the statutes is amended to read:

Vetoed
in Part

16.528 (2) (a) Except as provided in sub. (3) or as otherwise specifically provided, an agency which does not pay timely the amount due on an order or contract shall pay interest on the balance due from the 31st day after receipt of a properly completed invoice or receipt and acceptance of the property or service under the order or contract, whichever is later, or, if the agency does not comply with s. 16.53 (2), from the 31st day after receipt of an improperly completed invoice or receipt and acceptance of the property or service under the order or contract, whichever is later, at the rate specified in s. 71.82 (1) (a) compounded monthly. If a payment is to be made in whole or in part from federal moneys, and an agency has not been in receipt of the federal moneys for at least 10 days at the time interest otherwise becomes payable under this paragraph, the agency shall pay interest under this paragraph on any unpaid portion of the balance due that is payable from federal moneys from the 10th day after receipt of the federal moneys.

SECTION 121h. 16.528 (3) (a) of the statutes is amended to read:

16.528 (3) (a) Any portion of an order or contract under which the payment is made from federal moneys, if the agency has not been in receipt of the federal moneys for at least 10 days at the time interest becomes payable.

SECTION 121m. 16.53 (1) (d) 1 of the statutes is amended to read:

16.53 (1) (d) 1. The secretary, with the approval of the joint committee on employment relations, shall fix the time, except as provided in s. 16.20 (10) (c), and frequency for payment of salaries due elective and appointive officers and employees of the state. As determined under this subdivision, the salaries shall be

paid either monthly, semimonthly or for each 2-week period.

SECTION 122. 16.54 (2) (b) of the statutes is amended to read:

16.54 (2) (b) Upon presentation by the department of health and social services to the joint committee on finance of alternatives to the provisions under s. 49.80, the joint committee on finance may revise the eligibility criteria under s. 49.80 (5), benefit payments under s. 49.80 (6) or the amount allocated for crises under s. 49.80 (3) (e) 2 and the department shall implement those revisions. Benefits or eligibility criteria so revised shall take into account and be consistent with the requirements of federal regulations promulgated under 42 USC 8621 to 8629. If funds received under 42 USC 8621 to 8629 total less than 90% of the amount received in federal fiscal year 1987 1989, in federal fiscal year 1988 1990 or in federal fiscal year 1989 1991, the department of health and social services shall submit to the joint committee on finance a plan for expenditure of the funds. The department of health and social services may not use the funds unless the committee approves the plan.

SECTION 124m. 16.57 of the statutes is created to read:

16.57 Board of regents; staff. (1) The department shall provide a staff of 2 full-time equivalent positions, outside the classified service, for the board of regents of the university of Wisconsin system. The staff shall perform only the duties assigned by the board of regents.

(2) The board of regents shall act as appointing authority for the staff under s. 230.06. The board of regents may not appoint a person to the staff if the person held any position in the university of Wisconsin system in the 12-month period immediately preceding the appointment.

(3) The staff shall at all times observe the confidential nature of the research requests received from the board of regents.

(4) At the request of the board of regents, the department shall assist the board of regents in the recruitment and selection of the staff under this section.

SECTION 125. 16.61 (3m) (g) of the statutes is amended to read:

16.61 (3m) (g) Forms used by the department of ~~health and social services, division of corrections~~, in the investigation or processing of persons either under the control or custody of the department or under investigation by a court.

~~SECTION 125m. 16.70 (1m) of the statutes is created to read:~~

~~16.70 (1m) "Audit-related contract" means a contractual services agreement which provides for any of the following:~~

~~(a) A financial audit or compliance review of an agency, an agency program or a component of an agency's fiscal activities.~~

~~(b) An actuarial estimate or opinion relating to any state financial obligation.~~

~~(c) A review of compliance with requirements in a contract or grant agreement financed by state funds.~~

~~(d) An evaluation of program results or the effectiveness of management relating to any program financed in whole or in part by state funds.~~

~~SECTION 125r. 16.705 (1m) of the statutes is created to read:~~

~~16.705 (1m) The department shall refer each audit-related contract to the state auditor for approval prior to final award.~~

~~SECTION 125s. 16.71 (1) of the statutes is amended to read:~~

~~16.71 (1) Except as authorized in ss. 16.74, 560.85 (4), and 565.25 (2) (a), the department shall purchase and may delegate to special designated agents the authority to purchase all necessary materials, supplies, equipment, all other permanent personal property and miscellaneous capital, and contractual services and all other expense of a consumable nature for all agencies. In making any delegation, the department shall require the agent to adhere to all requirements imposed upon the department in making purchases under this subchapter. All materials, services and other things and expense furnished to any agency and interest paid under s. 16.528 shall be charged to the proper appropriation of the agency to which furnished.~~

~~SECTION 126. 16.71 (2) of the statutes is amended to read:~~

~~16.71 (2) The department of administration shall delegate authority to make all purchases for prison industries to the division responsible for prison industries within the department of health and social services corrections. This delegation may be withdrawn by the department of administration only with the consent of, and in accordance with the terms specified by, the joint committee on finance, for failure to comply with applicable purchasing rules, procedures or statutory requirements.~~

~~SECTION 127. 16.72 (2) (d) of the statutes is amended to read:~~

~~16.72 (2) (d) To the extent possible, the department and any other designated purchasing agent under s. 16.71 (1) shall write specifications for the purchase of materials, supplies, commodities, equipment and contractual services so as to permit their purchase from prison industries, as created under s. 56.04 303.01 (1).~~

~~SECTION 127g. 16.72 (5) of the statutes is created to read:~~

~~16.72 (5) (a) In this subsection, "materials" has the meaning given in s. 16.754 (1) (c).~~

Vetoed
in Part

Vetoed
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Vetoed
in Part

(b) The department and the historical society jointly shall promulgate rules identifying types of historically significant materials.

(c) Before an agency may dispose of surplus materials that are of a type identified in rules promulgated under par. (b), the agency shall provide an opportunity for the historical society to inspect and obtain historically significant surplus materials for its collections. The historical society may not be required to compensate an agency for releasing historically significant surplus materials to the historical society under this paragraph.

~~SECTION 127m. 16.75 (3n) of the statutes is created to read:~~

Vetoed
in Part

~~16.75 (3n) (a) In this subsection, "women's business enterprise" means a sole proprietorship, partnership, joint venture or corporation that is at least 51% owned, controlled and actively managed by one or more women and serves a useful business function.~~

~~(b) In every solicitation for bids or competitive sealed proposals, the department, each designated agent under s. 16.71 (1) and each agency making purchases under s. 16.74 shall require the respondent to disclose whether it is a women's business enterprise.~~

~~(c) Each designated agent under s. 16.71 (1), each agency making purchases under s. 16.74 and the lottery board shall annually report to the department, at the time specified by the secretary, the total amount of money that it expended for contracts and orders awarded to women's business enterprises, the percentage of the total amount that it expended for contracts and orders that was awarded to women's business enterprises and the number of contracts that it made with women's business enterprises in connection with proposed purchases since the date of its last report.~~

~~(d) The department shall maintain and annually publish data on state procurements from women's business enterprises, including total amounts expended for procurements from and the percentage of total procurement expenditures awarded to women's business enterprises. The department shall transmit the data to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3).~~

SECTION 128. 16.75 (3t) (c) (intro.) of the statutes is amended to read:

16.75 (3t) (c) (intro.) The department of ~~health and social services~~ corrections shall periodically provide to the department of administration a current list of all materials, supplies, equipment or contractual services, excluding commodities, that are supplied by prison industries, as created under s. 56.04 303.01. The department of administration shall distribute the list to all designated purchasing agents under s. 16.71 (1). Prior to seeking bids or competitive sealed proposals with respect to the purchase of any materials, supplies, equipment or contractual services enumerated in the list, the department of administration or any other designated purchasing agent under s. 16.71 (1) shall

offer prison industries the opportunity to supply the materials, supplies, equipment or contractual services if the department of ~~health and social services~~ corrections is able to provide them at a price comparable to one which may be obtained through competitive bidding or competitive sealed proposals and is able to conform to the specifications, provided the specifications are written in accordance with s. 16.72 (2) (d). If the department of administration or other purchasing agent is unable to determine whether the price of prison industries is comparable, it may solicit bids or competitive proposals before awarding the order or contract. This paragraph does not apply to the printing of the following forms:

~~SECTION 128g. 16.755 (4e) and (4g) of the statutes are created to read:~~

~~16.755 (4e) Review the role of state government in promoting veteran-owned businesses and in assisting and promoting aid to those businesses.~~

~~(4g) Review the data collection procedures and availability of data relating to all of the following:~~

~~(a) Small businesses at least 50% owned by one or more veterans~~

~~(b) Small businesses at least 50% owned by one or more veterans who are economically disadvantaged or members of a minority group as defined in s. 560.036 (1) (f).~~

~~(c) Small businesses at least 50% owned by one or more veterans with service-connected disabilities.~~

~~SECTION 128i. 16.755 (5) of the statutes is amended to read:~~

~~16.755 (5) Annually, submit a report containing any recommendations regarding the matters described in subs. (1) to (4) (4g) to the governor and the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2).~~

~~SECTION 128k. 16.755 (6) of the statutes is created to read:~~

~~16.755 (6) Annually, submit a report containing recommendations regarding the following to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2):~~

~~(a) Private sector initiatives that could provide management and technical assistance to small businesses owned in part or in total by veterans.~~

~~(b) Methods to promote greater access to public and private sector financing and procurement opportunities for small businesses owned in part or in total by veterans.~~

~~(c) Goals for public and private sector actions to promote full participation of veterans in the economic mainstream, including increased business development and ownership by veterans.~~

SECTION 128m. 16.76 (4) of the statutes is created to read:

16.76 (4) (a) In this subsection, "master lease" means an agreement entered into by the department on behalf of one or more agencies for the current or optional future lease of goods under which the depart-

Vetoed
in Part

ment pays or agrees to pay to the lessor a sum substantially equivalent to or in excess of the aggregate value of the goods involved and it is agreed that the department or one or more agencies will become, or for no other or nominal consideration has the option to become, the owner of the goods leased or to be leased upon full compliance with the terms of the agreement.

(b) The department may enter into a master lease whenever the department determines that it is advantageous to the state to do so. If the master lease provides for payments to be made by the state from moneys that have not been appropriated at the time that the master lease is entered into, the master lease shall contain the statement required under s. 16.75 (3).

(c) Payments under a master lease may include interest payable at a fixed or variable rate as the master lease may provide. The department may enter into agreements and ancillary arrangements to facilitate the use of a master lease, including liquidity facilities, remarketing or dealer agreements, letter of credit agreements, insurance policies, interest rate guaranty agreements, reimbursement agreements and indexing agreements.

(d) The department may delegate to other persons the authority and responsibility to take actions necessary and appropriate to implement agreements and ancillary arrangements under par. (c).

(e) The department shall grant the lessor a perfected security interest in the goods leased or to be leased under each master lease. The department shall record and preserve evidence of the security interest in its offices at all times during which the master lease is in effect.

(f) The department may appoint one or more fiscal agents for each master lease. Each fiscal agent shall be an incorporated bank or trust company authorized by the laws of the United States or of the state in which it is located to do business as a banking or trust company. Sections 16.705 and 16.75 do not apply to contracts for fiscal agent services. The department shall periodically require competitive proposals, under procedures established by the department, for fiscal agent services under this paragraph. There may be deposited with a fiscal agent, in a special account for such purpose only, a sum estimated to be sufficient to enable the fiscal agent to make all payments which will come due under the master lease not more than 15 days after the date of deposit. The department may make such other provisions respecting fiscal agents as it considers necessary or useful and may enter into a contract with any fiscal agent containing such terms, including compensation, and conditions in regard to the fiscal agent as it considers necessary or useful.

(g) No later than September 30 annually, the department shall submit a report to the joint committee on finance specifying the number of master leases entered into by the department during the preceding fiscal year, and the value of goods leased under each

~~new or existing master lease during that fiscal year, as of the date on which the goods are leased.~~

SECTION 129. 16.82 (5) of the statutes is amended to read:

16.82 (5) Shall develop and implement a comprehensive ride-sharing group transportation program for state employes, in cooperation with ~~the legislature, the courts and all constitutional offices, departments and independent agencies, as defined in s. 16.52 (7),~~ and shall promote and encourage participation in the state ride-sharing group transportation program. The program may include car pooling and van pooling service. In addition, the department shall promote and encourage alternate means of transportation for state, municipal and federal employes and other persons in the private sector including but not limited to mass transit; and bicycle commuting, car pooling and van pooling; and. The department 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 Group transportation shall be provided for a fee which recovers the full cost of administration, maintenance, operation, insurance and depreciation of the group transportation program, plus interest for general purpose revenues utilized for the program, except as provided in s. 16.843 (2) (bm). The department shall calculate interest recoverable under this subsection by applying the average earnings rate of the state investment fund for each quarter to the average general purpose revenues utilized under s. 20.903 (2) (b) from the appropriation under s. 20.505 (1) (im) for group transportation purposes in the same quarter. No less often than annually, the department shall assess the interest payable under this subsection as of the most recently completed quarter and shall deposit the amounts collected into the general fund. No person is deemed to be in the course of employment while utilizing the group transportation.

SECTION 130. 16.835 of the statutes is amended to read:

16.835 Offices in capitol. The office of the governor shall be located in the capitol. The attorney general, lieutenant governor and supreme court shall each keep a room in the capitol. ~~From the remaining capitol space not reserved for the use of the legislature, the department may assign additional rooms to be used by the attorney general.~~

SECTION 131. 16.836 of the statutes is created to read:

16.836 Temporary relocation of capitol offices. (1) Notwithstanding ss. 16.835, 18.13 (2), 18.76 (2), 71.91 (5) (i), 801.11 (3), 809.80 (1) and 893.82 (5), the department, with the approval of the building commission,

Vetoed
in Part

Vetoed
in Part

may temporarily relocate the governor, attorney general, lieutenant governor, supreme court and the clerks of the supreme court and court of appeals from the state capitol to another suitable building in the city of Madison for the purpose of performing air conditioning work or other renovation work in the state capitol. During the period of such relocation, any service authorized or required to be made at the offices of any of the officers specified in this subsection shall be made at the temporary locations of those offices.

(2) Notwithstanding ss. 13.09 (6) and 13.45 (4) (c), the joint committee on legislative organization may temporarily relocate the offices of any legislative committee from the state capitol to another suitable building in the city of Madison for the purpose of performing air conditioning work or other renovation work in the state capitol. During the period of such relocation, any service authorized or required to be made at the offices of the committee shall be made at the temporary location of the committee offices.

SECTION 131g. 16.84 (4) of the statutes is repealed.

SECTION 131r. 16.84 (5) of the statutes is amended to read:

16.84 (5) Have responsibility, subject to approval of the governor, for all functions relating to the leasing, acquisition, allocation and utilization of all real property by the state, except where such responsibility is otherwise provided by the statutes. ~~With the approval of the building commission, the department may lease or acquire office space for any agency as defined in s. 16.52 (7) in the executive or judicial branch. The department shall lease or acquire office space for legislative offices or legislative service agencies at the direction of the joint committee on legislative organization.~~

Vetoed
in Part

SECTION 132. 16.85 (4) of the statutes is amended to read:

16.85 (4) To approve the appointment of a chief operating engineer ~~connected with~~ for each state-owned or operated heating, cooling or power and electric plant and pumping and heating station and, to provide for the methods of operating said the plants and stations and to design records and forms for reporting accurately the cost per unit of product or service. The superintendent or other person having charge of said plants each plant or station shall not only report to his governing body the agency which operates the plant or station but to the secretary in the manner provided and at such times as the secretary determines. In this subsection, "agency" has the meaning given under sub. (2).

SECTION 133. 16.855 (6) of the statutes is amended to read:

16.855 (6) Nothing contained in this section shall prevent the department from negotiating deductive changes in the lowest qualified bid ~~not to exceed 5% of the total bid in order to bring the bid within the limits imposed by authorized funds.~~

SECTION 134. 16.855 (17) of the statutes is amended to read:

16.855 (17) This section ~~shall~~ does not apply to any project on which the work is to be performed by inmates or patients in institutions under the jurisdiction of the department of corrections or the department of health and social services working under the supervision or with the assistance of state employees.

SECTION 134d. 16.855 (21) of the statutes is created to read:

16.855 (21) This section does not apply to contracts by the department of natural resources for construction work related to hazardous substance spill response under s. 144.76 or environmental repair under s. 144.442.

SECTION 134g. 16.87 (1) (b) of the statutes is amended to read:

16.87 (1) (b) "Environmental consultant services" means includes services specified under s. 23.40 (5) provided by environmental scientists, engineers and other experts.

SECTION 134j. 16.87 (2) of the statutes is amended to read:

16.87 (2) A contract for engineering service, ~~services or architectural service or environmental consultant service services~~ 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 a department, board, commission or officer of the state is exempt from the requirements of ss. 16.705 and 16.75. The department shall attempt to ensure that 5% of the total amount expended under this section in each fiscal year is paid to minority businesses, as defined under s. 16.75 (3m) (a).

SECTION 134p. 16.87 (3) of the statutes is amended to read:

16.87 (3) ~~A~~ Except as provided in sub. (4), a contract under sub. (2) is not valid or effectual for any purpose until it is endorsed in writing and approved by the secretary or the secretary's designated assistant and, if the contract involves an expenditure over \$30,000, approved by the governor. ~~No~~ Except as provided in sub. (4), no payment or compensation for work done under any contract involving \$2,500 or more, except a highway contract, may be made unless the written claim is audited and approved by the secretary or the secretary's designee. Any change order to a contract requiring approval under this subsection requires the prior approval by the secretary or the secretary's designated assistant and, if the change order involves an expenditure over \$30,000, the approval of the governor.

SECTION 134r. 16.87 (4) of the statutes is created to read:

16.87 (4) This section does not apply to contracts by the department of natural resources for environmental consultant services or engineering services for hazardous substance spill response under s. 144.76 or

environmental repair under s. 144.442, or for environmental consultant services to assist in the preparation of an environmental impact statement or to provide preapplication services under s. 23.40.

SECTION 135. 16.895 of the statutes is created to read:

16.895 State-owned or operated heating, cooling or power plants. (1) In this section, "agency" has the meaning given under s. 16.52 (7).

(2) The department may:

(b) Coordinate the state fuel and utility management program to maximize the economy of operations of the program.

(c) Determine the method of operation of state-owned or operated heating, cooling or power plants, including maintenance standards and policies concerning utilization of alternative fuels and energy conservation.

(d) Assure compliance with federal and state laws, federal regulations and state administrative rules applicable to state-owned or operated heating, cooling or power plants.

(e) Delegate to any agency the department's authority under par. (c) or (d) and approve all expenditures of the agency under par. (c) or (d).

(f) Review and approve rates charged by any agency for the sale of fuel, water, sewage treatment service, electricity, heat or chilled water under s. 16.93, and the rates at which any agency charges its appropriations for fuel, water, sewage treatment service, electricity, heat or chilled water that the agency provides to itself.

(g) Provide for emissions testing, waste product disposal and fuel quality testing at state-owned or operated heating, cooling or power plants, and secure permits that are required for operation of the plants.

(h) Periodically assess to agencies their proportionate cost of the expenses incurred by the department under this subsection and ss. 16.85 (4), 16.90, 16.91 and 16.92 in accordance with a method of apportionment determined by the department.

SECTION 136. 16.90 (title) of the statutes is amended to read:

16.90 (title) Fuel for state heating, cooling or power plants.

SECTION 137. 16.90 (intro.) of the statutes is renumbered 16.90 (2) (intro.).

SECTION 138. 16.90 (1) of the statutes is renumbered 16.90 (2) (a) and amended to read:

16.90 (2) (a) Prepare all specifications for contracts for the purchase of fuel for all each state-owned or operated heating ~~or heating and, cooling or power plants wherein the annual requirement is in excess of 12,500 therms of such fuel plant.~~ All such specifications where feasible shall provide for purchase of such fuel on a heating value and quality basis and may provide for an adjustment of the base price ~~as affected by an increase or decrease in the miners' wage scale dur-~~

~~ing the life of the contract in the district in which the coal purchase is produced, or for increases or decreases of any fuel as a result of changes in production or transportation costs of other fuels during the term of a contract.~~

SECTION 139. 16.90 (1) of the statutes is created to read:

16.90 (1) In this section, "agency" has the meaning given in s. 16.52 (7).

SECTION 140. 16.90 (1a) of the statutes is renumbered 16.895 (2) (a) and amended to read:

16.895 (2) (a) Prepare all specifications ~~for, bid and administer contracts for lubricants the purchase of fuels for all state-owned or operated heating or heating and, cooling or power plants and make such tests in connection therewith as may be deemed necessary.~~

SECTION 141. 16.90 (2) of the statutes is renumbered 16.90 (2) (d) and amended to read:

16.90 (2) (d) Test all fuel purchased for each state-owned or operated heating ~~or heating and, cooling or power plants~~ plant wherein the annual requirement is in excess of 12,500 therms and where purchased on a heating value and quality basis.

SECTION 142. 16.90 (2) (b) and (c) of the statutes are created to read:

16.90 (2) (b) Distribute fuel purchased by the department or any agency to agencies that require it, and reallocate such fuel between agencies in the event of a shortage.

(c) Set standards for storage of fuel by agencies.

SECTION 143. 16.90 (3) of the statutes is renumbered 16.90 (2) (e) and amended to read:

16.90 (2) (e) Make such rules ~~and regulations as he deems the secretary considers~~ necessary, not inconsistent with this section, to promote efficiency, energy conservation and economy in the testing, handling, storing and use of such fuel for state-owned or operated heating, cooling or power plants.

SECTION 144g. 16.91 (1) of the statutes is renumbered 16.91 (2).

SECTION 144m. 16.91 (1) of the statutes is created to read:

16.91 (1) In this section, "agency" has the meaning given under s. 16.52 (7).

SECTION 144p. 16.91 (2) of the statutes is renumbered 16.91 (3) and amended to read:

16.91 (3) Payments for fuel delivered under contracts ~~under this section specified in sub. (2)~~ and for delivery costs shall be made upon vouchers approved by the secretary, ~~but upon.~~ Upon being audited and paid ~~shall be charged, the department shall charge each purchase against the proper appropriation to the department agency which has jurisdiction over the institution facility at which such the fuel is used.~~ The secretary shall report on a quarterly basis to each such department agency the total amount of payments charged under this subsection to their respective each

of its appropriations and institutions, but approval facilities. Approval of the payments by the department against which the agency whose appropriation is charged is not required.

SECTION 146. 16.92 of the statutes is created to read:

16.92 Purchase of fuel, electricity, heat and chilled water. (1) In this section, "agency" has the meaning given in s. 16.52 (7).

(2) Each agency shall utilize the most cost-effective means of procurement of fuel, electricity, heat and chilled water.

SECTION 147. 16.93 of the statutes is created to read:

16.93 Sale of fuel or utility service. (1) In this section, "agency" has the meaning given under s. 16.52 (7).

(2) Except as provided in sub. (3), any agency, with the approval of the department, may sell fuel, water, sewage treatment service, electricity, heat or chilled water to another agency, a federal agency, a local government or a private entity.

(3) Prior to contracting for the sale of any fuel or extending any water, sewage treatment, electrical, heating or chilled water service to a new private entity after the effective date of this subsection [revisor inserts date], an agency shall contact each public utility that serves the area in which the private entity is located and that is engaged in the sale of the same fuel or utility service. If a public utility so contacted objects to the proposed sale and commits to provide the fuel or service, the agency shall not contract for the sale.

SECTION 148. 16.96 (2) (d) of the statutes is amended to read:

16.96 (2) (d) ~~The~~ Except as authorized in pars. (dm) and (e), the population determinations shall be based upon the last previous federal decennial or special census or other official statewide census and shall take into consideration growth rates of municipalities.

SECTION 149. 16.96 (2) (dm) of the statutes is amended to read:

16.96 (2) (dm) The results of special censuses conducted for municipalities and counties under contract with the U.S. bureau of the census shall be used as a basis for the respective population determinations on August 10 if the final certified results of such censuses are received by the department before July 1 in the year in which the determination is made. The results of special censuses conducted for municipalities and counties under contract with the U.S. bureau of the census shall be used as a basis for the respective population determinations on October 10 if the final certified results of such censuses are received by the department before October 1 in the year in which the determination is made. If a municipality or county notifies the department in writing by October 1 of its intention to contract for a special census with the U.S. bureau of the census in support of a challenge to the

August 10 population determination, and if the final certified results of such a special census are received by the department before July 15 in the following year, the department shall adjust the preceding October 10 population estimate to reflect the results of the special census. If a municipality or county notifies the department of its intention to contract for a special census is unavailable but the results are not received by July 15 in the following year, the department may use the best information from the most recent federal census. The department shall report the adjusted population determination to the department of revenue before August 1 of the year subsequent to the challenge. The department shall prorate census results for census dates occurring after the reference date of any population determination back to the reference date of the estimate for all municipalities and counties under par. (a). Upon making such receiving an adjusted population adjustments determination, the department of revenue shall correct shared revenue distributions under subch. I of ch. 79 according to s. 79.08. The department shall prorate census results for census dates occurring after the reference date of any population determination back to the reference date of the estimate for all municipalities under par. (a). If a municipality contracts with the U.S. bureau of the census for a special census, the municipality shall assure that the results of such special census are certified to the department not later than 30 days after the release of the census results by the U.S. bureau of the census.

SECTION 150. 16.96 (2) (e) of the statutes is created to read:

16.96 (2) (e) Before August 1 of the year following the year in which a federal decennial census is taken, the department shall adjust the October 1 population determinations of the decennial census year to correspond to the final federal decennial census results as reported to an agency of the state by the U.S. bureau of the census under 13 USC 141 (c). The department may use preliminary results from the decennial census for any municipality or a county for which the final results are not available before August 1 of the year following the decennial census year. The department shall prorate each population determination adjustment from the decennial census date back to the reference date of the estimate for all municipalities and counties under par. (a) in the decennial census year. The department shall report the adjusted population determination to the department of revenue before August 1 of the year following the federal decennial census year. Upon receiving an adjusted population determination, the department of revenue shall correct shared revenue distributions under subch. I of ch. 79 according to s. 79.08.

SECTION 150m. 16.96 (3) (a) of the statutes is amended to read:

16.96 (3) (a) Establish a demographic services center to develop and administer such for the purpose of developing and administering systems needed to carry

out the functions required of the department under subs. (1) and (2) ~~to maintain, maintaining~~ a current repository of appropriate published and computer retrievable federal census information and ~~cooperate~~ cooperating with state agencies and regional planning agencies so that the department's population estimates, projections and published reports ~~will be~~ are useful for ~~the many~~ planning and other purposes for which they are required. The center shall coordinate population information development and use. The center shall provide assistance to and encourage and coordinate efforts by state and local agencies, regional planning agencies and private businesses and associations to inform the public regarding the federal census process and the importance of obtaining a complete, accurate federal decennial census. The department may enter into agreements with state and local agencies or regional planning agencies for their assistance in the preparation of population estimates, projections and forecasts.

Vetoed in Part SECTION 150n. 16.96 (3) (c) ~~and (d)~~ of the statutes are created to read:

16.96 (3) (c) Serve as the state's liaison to the U.S. bureau of the census to facilitate accurate federal decennial census counts in this state.

Vetoed in Part (d) ~~Not expend and shall require that state and local agencies and regional planning agencies not expend state moneys under this subsection for political purposes, as defined in s. 11.01 (16), or for any communication that includes a picture, depiction or name of an elected public official.~~

SECTION 151. 16.963 of the statutes is renumbered 560.038.

SECTION 152. 16.964 (1) (f) of the statutes is created to read:

16.964 (1) (f) Maintain a statistical analysis center to serve as a clearing house of justice system data and information and conduct justice system research and data analysis under this section.

SECTION 153. 16.964 (1) (g) of the statutes is created to read:

16.964 (1) (g) Collect information concerning the number and nature of offenses known to have been committed in this state and such other information as may be useful in the study of crime and the administration of justice. The office may determine any other information to be obtained regarding crime and justice system statistics. The information shall include data requested by the federal bureau of investigation under its system of uniform crime reports for the United States.

SECTION 154. 16.964 (1) (h) of the statutes is created to read:

16.964 (1) (h) Furnish all reporting officials with forms or instructions or both that specify the nature of the information required under par. (g), the time it is to be forwarded, the method of classifying and any

other matters that facilitate collection and compilation.

SECTION 155. 16.964 (2) of the statutes is renumbered 16.964 (3).

SECTION 156. 16.964 (2) of the statutes is created to read:

16.964 (2) All persons in charge of law enforcement agencies and other criminal and juvenile justice system agencies shall supply the office with the information described in sub. (1) (g) on the basis of the forms or instructions or both to be supplied by the office under sub. (1) (g).

SECTION 156m. 16.967 of the statutes is repealed and recreated to read:

16.967 Land information program. (1) DEFINITIONS. In this section:

(a) "Board" means the land information board.

(b) "Land information" means any physical, legal, economic or environmental information or characteristics concerning land, water, groundwater, subsurface resources or air in this state. "Land information" includes information relating to topography, soil, soil erosion, geology, minerals, vegetation, land cover, wildlife, associated natural resources, land ownership, land use, land use controls and restrictions, jurisdictional boundaries, tax assessment, land value, land survey records and references, geodetic control networks, aerial photographs, maps, planimetric data, remote sensing data, historic and prehistoric sites and economic projections.

(c) "Land information system" means an orderly method of organizing and managing land information and land records.

(d) "Land records" means maps, documents, computer files and any other information storage medium in which land information is recorded.

(3) BOARD DUTIES. The board shall direct and supervise the land information program and serve as the state clearinghouse for access to land information. In addition, the board shall:

(a) Provide technical assistance and advice to state agencies and local governmental units with land information responsibilities.

(b) Maintain and distribute an inventory of land information available for this state, land records available for this state and land information systems.

(c) Prepare guidelines to coordinate the modernization of land records and land information systems.

(d) Review project applications received under sub. (7) and determine which projects are approved.

(e) At the request of a county land information office, review a countywide plan for land records modernization prepared under s. 59.88 (3) (b).

(4) FUNDING REPORT. The board ~~and the department~~ **Vetoed in Part** shall identify and study possible program revenue sources or other revenue sources for the purpose of funding the operations of the board, including **Vetoed in Part** grants to counties under sub. (7). ~~Before December~~

Vetoed
in Part

15, 1989, the board and the department shall jointly submit to the joint committee on finance its findings and recommendations regarding funding sources and may submit proposed legislation incorporating recommended changes in appropriations and revenues to fund the operations of the board.

(5) RULES. The board may promulgate rules establishing standards for county land information office duties and functions, criteria for the submission and approval of project applications under sub. (7), procedures for the review and monitoring of projects under sub. (7) and rules for the collection, storage, recall, update, maintenance, exchange, display and analysis of land information and land records by state agencies and local governmental units.

Vetoed
in Part

(6) REPORTS. By March 31, 1990, and biennially thereafter, the departments of administration, agriculture, trade and consumer protection, tourism and development, health and social services, industry, labor and human relations, natural resources, revenue and transportation, and the board of regents of the university of Wisconsin system, the public service commission and the board of curators of the historical society shall each submit to the board a plan to integrate land information to enable such information to be readily translatable, retrievable and geographically referenced for use by any state, local governmental unit or public utility.

(7) AID TO COUNTIES. (a) A county board that has established a county land information office under s. 59.88 (3) may apply to the board on behalf of any local governmental unit, as defined in s. 59.88 (1) (c), located wholly or partially within the county for a grant for any of the following projects:

1. The design, development and implementation of a land information system that contains and integrates, at a minimum, property and ownership records with boundary information, including a parcel identifier referenced to the U.S. public land survey; tax and assessment information; soil surveys, if available; wetlands identified by the department of natural resources; a modern geodetic reference system; current zoning restrictions; and restrictive covenants.

2. The preparation of parcel property maps that refer boundaries to the public land survey system and are suitable for use by local governmental units for accurate land title boundary line or land survey line information.

3. The preparation of maps that include a statement documenting accuracy if the maps do not refer boundaries to the public land survey system and that are suitable for use by local governmental units for planning purposes.

(b) A grant under this subsection may not exceed \$100,000. The board shall not award a grant to a county board unless the county board matches at least 25% of the amount of the grant.

(8) ADVICE; COOPERATION. In carrying out its duties under this section, the board may seek advice and

assistance from the university of Wisconsin system, state agencies, local governmental units and other experts involved in collecting and managing land information. State agencies shall cooperate with the board in the coordination of land information collection.

SECTION 157. 16.97 (3) of the statutes is renumbered 16.97 (3) (a) and amended to read:

16.97 (3) (a) ~~Acquisition of a~~ The secretary shall notify the joint committee on finance in writing of the proposed acquisition of any computing resource that the department considers major, or that is likely to result in a substantive change of service, which and that was not considered in the regular budgeting process and which is to be financed from general purpose revenues or corresponding revenues in a segregated fund requires prior approval of the joint committee on finance. ~~Any. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed acquisition within 14 working days after the date of the secretary's notification, the department may approve acquisition of the resource. If, within 14 working days after the date of the secretary's notification, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed acquisition, the department shall not approve acquisition of the resource unless the acquisition is approved by the committee.~~

(b) The secretary shall promptly notify the joint committee on finance in writing of the proposed acquisition of any computing resources to be acquired resource that the department considers major or that is likely to result in a substantive change in service, and that was not considered in the regular budgeting process and is to be financed from program revenues or corresponding revenues from program receipts in a segregated fund are not subject to prior approval but shall be promptly reported to the joint committee on finance by the department.

SECTION 158. 16.979 of the statutes is created to read:

16.979 Treatment of classified employees. Those individuals holding positions in the classified service in the department who are engaged in legislative text processing functions and who achieved permanent status in class on the effective date of this section [revisor inserts date], shall retain, while serving in the unclassified service in the legislature, those protections afforded employees in the classified service under ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension, discharge, layoff, or reduction in base pay except that the applicability of any reduction in base pay of such an employee shall be determined on the basis of the base pay received by the employee on the effective date of this section [revisor inserts date], plus the total amount of any subsequent general economic increases provided in the compensation

plan under s. 230.12 for nonrepresented employees in the classified service. Such employees shall also have reinstatement privileges to the classified service as provided under s. 230.33 (1). Employees of the department holding positions in the classified service on the effective date of this section [revisor inserts date], who are engaged in legislative text processing functions and who have not achieved permanent status in class in any position in the department on that date are eligible to receive the protections and privileges preserved under this section if they successfully complete service equivalent to the probationary period required in the classified service for the positions which they hold.

SECTION 159. 17.01 (2) and (7) of the statutes are amended to read:

17.01 (2) By the secretary of state, treasurer, attorney general, state superintendent, by a district attorney and by all officers appointed by the governor alone or by him by and with the advice and consent of the senate, to the governor.

(7) By a county supervisor, county clerk, county treasurer, coroner, ~~district attorney~~, register of deeds or county surveyor, to the sheriff, who shall immediately transmit a notice thereof, in case of a coroner, ~~district attorney~~ or register of deeds, to the governor; and in case of a county supervisor, county clerk, county treasurer or surveyor, to the chairperson of the county board; and after such notices the sheriff shall file such resignations with the county clerk.

SECTION 160. 17.03 (4) (bm) of the statutes is created to read:

17.03 (4) (bm) If the office is a district attorney, the prosecutorial unit from which elected; or

SECTION 161. 17.06 (title) of the statutes is amended to read:

17.06 (title) Removal of state officers; impeachment; address.

SECTION 162. 17.06 (3) of the statutes is created to read:

17.06 (3) A district attorney may be removed by the governor, for cause.

SECTION 163. 17.09 (5) of the statutes is amended to read:

17.09 (5) **OTHER ELECTIVE COUNTY OFFICERS.** The sheriff, coroner, or register of deeds ~~or district attorney~~, by the governor, for cause.

SECTION 164. 17.11 (2) of the statutes is repealed and recreated to read:

17.11 (2) (a) The state shall pay an attorney temporarily appointed under sub. (1) for his or her services and expenses in an amount determined and fixed by the governor.

(b) The county in which a person is temporarily appointed sheriff under sub. (1) shall pay the appointed sheriff for his or her services in an amount determined and fixed by the governor and certified by the governor to the county clerk of the county.

SECTION 165. 17.11 (4) of the statutes is repealed and recreated to read:

17.11 (4) If it is determined in the action or proceeding or is found upon the investigation that a district attorney or sheriff suspended under this section is not guilty of an offense, or has not wilfully neglected or refused to perform his or her duties, as charged, that fact shall be certified by the governor to the department of administration if a district attorney is involved or to the county clerk of the sheriff's county if a sheriff is involved. Upon the certification, the district attorney or sheriff shall be:

(a) Entitled to the emoluments of the office for the time he or she would have served in the office had he or she not been suspended under this section; and

(b) Restored to office if the term for which he or she was elected or appointed has not expired.

SECTION 168. 17.19 (3s) of the statutes is created to read:

17.19 (3s) **DISTRICT ATTORNEY.** In the office of district attorney, by appointment of the governor for the residue of the unexpired term and until a successor is elected and qualified.

SECTION 169. 17.21 (1) of the statutes is amended to read:

17.21 (1) (title) **SHERIFF, CORONER, REGISTER OF DEEDS.** In the office of sheriff, coroner, or register of deeds ~~or district attorney~~, by appointment by the governor for the residue of the unexpired term.

SECTION 171. 18.04 (6) (a) of the statutes is amended to read:

18.04 (6) (a) Public debt ~~contracted for any of the purposes under subs. (1) and (5)~~ may include public debt contracted to fund interest, accrued or to accrue, on the public debt and to fund reserve funds for the public debt.

SECTION 171m. 18.06 (1) of the statutes is amended to read:

18.06 (1) **AUTHORIZING RESOLUTION.** No public debt may be contracted nor evidence of indebtedness issued by the state except pursuant to an authorizing resolution. Each authorizing resolution shall state each purpose of the debt it authorizes, which need not be more specific but shall not be more general than those purposes in or pursuant to law, and the maximum principal amount of debt authorized for each such purpose. The commission may amend at any time any purpose authorized by a resolution if the amendment does not cause the total amount of debt for that purpose to exceed the statutory limit on the issuance of debt for that purpose.

SECTION 172. 18.06 (6) of the statutes is amended to read:

18.06 (6) **EXERCISE OF AUTHORITY.** Public debt may be contracted and evidence of indebtedness issued therefor under one or more authorizing resolutions, unless otherwise provided in the resolution, at any time and from time to time, for any combination of

purposes, in any specific amounts, at any rates of interest, at any price or percentage of par value, for any term, payable at any intervals, at any place, in any manner and having any other terms or conditions deemed necessary or useful. A resolution authorizing the contracting of public debt may provide that the public debt bear interest at variable or fixed rates, bear no interest, bear interest payable at any time or bear interest payable only at maturity or upon redemption prior to maturity. Unless sooner exercised and unless a shorter period is provided in such resolution, every authorizing resolution shall expire one year after the date of its adoption.

SECTION 173. 18.06 (7) (d) of the statutes is amended to read:

18.06 (7) (d) The public debt may bear interest at variable or fixed rates as provided in or pursuant to the resolution authorizing the contracting of the public debt or, if the resolution so provides, may bear no interest, bear interest payable at any time or bear interest payable only at maturity or upon redemption prior to maturity.

SECTION 173k. 18.10 (12) of the statutes is created to read:

18.10 (12) PROCUREMENT OF SERVICES. The commission may enter into a contract with any firm or individual engaged in financial services for the performance of any of its duties under this chapter, using selection and procurement procedures established by the commission. That contract is not subject to s. 16.705 or 16.75.

SECTION 174. 18.55 (4) of the statutes is repealed and recreated to read:

18.55 (4) NO MINIMUM ISSUANCE PRICE. Revenue obligation bonds may be sold at any price or percentage of par value.

SECTION 175. 18.55 (5) of the statutes is amended to read:

18.55 (5) EXERCISE OF AUTHORITY. Money may be borrowed and evidences of revenue obligation issued therefor pursuant to one or more authorizing resolutions, unless otherwise provided in the resolution or in this subchapter, at any time and from time to time, for any combination of purposes, in any specific amounts, at any rates of interest, for any term, payable at any intervals, at any place, in any manner and having any other terms or conditions deemed necessary or useful. Revenue obligation bonds may bear interest at variable or fixed rates, bear no interest or bear interest payable only at maturity or upon redemption prior to maturity. Unless sooner exercised or unless a shorter period is provided in the resolution, every authorizing resolution, except as provided in s. 18.59 (1), shall expire one year after the date of its adoption.

SECTION 176. 18.56 (1) of the statutes is amended to read:

18.56 (1) The commission may authorize, for any of the purposes described in s. 18.53 (3), the issuance of revenue-obligation bonds. The bonds ~~shall bear inter-~~

~~est payable semiannually (except that the first interest payment may be due not exceeding 18 months after the date of the bonds) and shall mature at such times any time not exceeding 50 years from the date thereof as the commission shall determine. The bonds shall be payable only out of the redemption fund provided under sub. (5) and each bond shall contain on its face a statement to that effect. Any such bonds may contain a provision authorizing redemption, in whole or in part, at stipulated prices, at the option of the commission and shall provide the method of redeeming the bonds. The state and a contracting party may provide in any contract for purchasing or acquiring a revenue-producing enterprise or program, that payment shall be made in such bonds.~~

SECTION 176m. 18.73 (4) of the statutes is amended to read:

18.73 (4) EXERCISE OF AUTHORITY. Financial obligations may be incurred and evidences of operating notes issued therefor pursuant to one or more authorizing resolutions, unless otherwise provided in the resolution or in this subchapter, at any time and from time to time, for any combination of purposes, in any specific amounts, at any rates of interest, for any term, payable at any intervals, at any place, in any manner and having any other terms or conditions deemed necessary or useful. Unless sooner exercised or unless a shorter period is provided in the resolution, every authorizing resolution shall expire 3 months after the date of its adoption ~~or on the last day of the fiscal year during which the authorizing resolution is adopted, whichever is earlier.~~

SECTION 178. 19.01 (4) (a) of the statutes is amended to read:

19.01 (4) (a) In the office of the secretary of state: Of all members and officers of the legislature; of the governor, lieutenant governor and state superintendent; of the justices, reporter and clerk of the supreme court; of the judges of the court of appeals; of the judges and reporters of the circuit courts; of all notaries public; of every officer, except the secretary of state, state treasurer, district attorney and attorney general, whose compensation is paid in whole or in part out of the state treasury, including every member or appointee of a board or commission whose compensation is so paid; and of every deputy or assistant of an officer who files with the secretary of state;

SECTION 179. 19.10 of the statutes is amended to read:

19.10 Oaths. Each of the officers enumerated in s. 8.25 (4) (a) shall take and subscribe the oath of office prescribed by article IV, section 28, of the constitution, as follows: The governor and lieutenant governor, before entering upon the duties of office; the secretary of state, treasurer, attorney general ~~and~~, state superintendent and each district attorney, within 20 days after receiving notice of election and before entering upon the duties of office.

SECTION 180. 19.42 (5) of the statutes is amended to read:

19.42 (5) "Department" means the legislature, the university of Wisconsin system, any authority or public corporation created and regulated by an act of the legislature and any office, department, independent agency or legislative service agency created under ch. 13, 14 or 15, any vocational, technical and adult education district or any constitutional office other than a judicial office. In the case of a district attorney, "department" means the department of administration unless the context otherwise requires.

SECTION 183. 19.42 (13) (c) of the statutes is amended to read:

19.42 (13) (c) All positions identified under s. 20.923 (2), (4), (4m), (6) (f) to (hd) and (hp) and (8) to (10), except clerical positions.

SECTION 184. 19.43 (7) of the statutes is amended to read:

19.43 (7) If an official required to file fails to make a timely filing, the board shall promptly provide notice of the delinquency to the state treasurer, and to the chief executive of the department of which the official's office or position is a part, or, in the case of a district attorney, to the chief executive of that department and to the county clerk of each county served by the district attorney or in the case of a municipal judge to the clerk of the municipality of which the official's office is a part, or in the case of a justice, court of appeals judge or circuit judge, to the director of state courts. Upon such notification both the state treasurer and the department, municipality or director shall withhold all payments for compensation, reimbursement of expenses and other obligations to the official until the board notifies the officers to whom notice of the delinquency was provided that the official has complied with this section.

SECTION 185. 19.45 (9) of the statutes is amended to read:

19.45 (9) The attorney general may not engage in the private practice of law during the period in which he or she holds that office. No justice of the supreme court and no judge of any court of record may engage in the private practice of law during the period in which he or she holds that office. No full-time district attorney may engage in the private practice of law during the period in which he or she holds that office, except as authorized in s. 978.06 (5).

Vetoed in Part ~~SECTION 185m. 19.45 (12) of the statutes is repeated.~~

SECTION 186. 19.51 (1) (a) and (3) of the statutes are amended to read:

19.51 (1) (a) A recommendation for criminal prosecution which shall be referred to the district attorney in whose jurisdiction the alleged violation occurred or to the attorney general if the violation concerns the district attorney, and, if the district attorney fails to commence a prosecution within 30 days, to the attor-

ney general, who may then commence a prosecution; or

(3) If the board makes a recommendation for criminal prosecution under sub. (1), the district attorney to whom the recommendation is made or the attorney general shall, within 30 days of receipt of such recommendation, make a decision whether to prosecute the party charged. The board shall give written notice of any referral under this subsection to the accused. The district attorney or attorney general shall give written notice of the decision to the accused, the complainant and the board.

SECTION 187. 19.55 (2) (b) of the statutes is amended to read:

19.55 (2) (b) Records obtained or prepared by the board in connection with an investigation, except that the board shall permit inspection of records that are made public in the course of a hearing by the board to determine if a violation of this subchapter has occurred. Whenever the board refers such investigation and hearing records to a district attorney or to the attorney general, they may be made public in the course of a prosecution initiated under this subchapter.

SECTION 188. 19.56 (2) (b) 5 of the statutes is amended to read:

19.56 (2) (b) 5. Is paid by the department or municipality of which the official's state public office is a part, or, in the case of a district attorney, is paid by that department or a county which the district attorney serves, or, in the case of a justice or judge of a court of record, is paid from the appropriations for operation of the state court system.

SECTION 189. 20.001 (2) (c) of the statutes is amended to read:

20.001 (2) (c) *Program revenue-service.* "Program revenue-service" consists of moneys transferred between or within state agencies or miscellaneous appropriations for the purpose of reimbursement for services rendered or materials purchased. These moneys are shown as expenditures in the appropriations of these appropriation of the state agencies or activities agency or program receiving the service or material services or materials and are also shown as program revenue in the appropriations appropriation of the agency or program providing the service or material services or materials. For any program revenue-service appropriation which is limited to the amounts in the schedule, no expenditure may be made exceeding the amounts in the schedule, except as provided in ss. 13.101 and 16.515, regardless of the amounts credited to that appropriation account.

SECTION 190. 20.001 (2) (da) of the statutes is amended to read:

20.001 (2) (da) *Segregated fund revenues - service.* "Segregated fund revenues - service" consists of moneys transferred between or within state agencies or miscellaneous appropriations for the purpose of reim-

bursement for services rendered or materials purchased. These moneys are shown as expenditures in the ~~appropriations of those~~ appropriation of the state agencies or activities agency or program receiving the ~~service or material~~ services or materials and also shown as segregated revenue in the appropriations of the agency or program providing the ~~service or material~~ services or materials.

SECTION 191. 20.001 (3) (c) of the statutes is amended to read:

20.001 (3) (c) *Continuing appropriations.* Continuing appropriations, indicated by the abbreviation "C" in s. 20.005, are appropriations which are expendable until fully depleted or repealed by subsequent action of the legislature. The amount of a sum certain continuing appropriation for a given fiscal year consists of the balance in the appropriation account at the end of the previous fiscal year, if any, together with any moneys appropriated under s. 20.005 for that fiscal year. The amount of a continuing appropriation from program revenues or segregated revenues from program receipts consists of the balance in the appropriation account at the end of the previous fiscal year, if any, together with any revenues received during the fiscal year that are directed by law to be credited to the appropriation account. Dollar amounts shown in the schedule under s. 20.005 for a continuing appropriation from program revenues or segregated revenues from program receipts represent the most reliable estimates of the amounts which will be expended during any fiscal year. Except as provided in ss. 20.002 (11) and 20.903 (2), expenditures made in accordance with ch. 16 under a continuing appropriation from program revenues or segregated revenues from program receipts are limited only by the available revenues from which the appropriation is made. Continuing appropriations are indicated in ss. 20.115 to 20.875 ~~either~~ by the introductory phrase, "as a continuing

appropriation" ~~or by the introductory phrase, "all moneys received from" or "all moneys transferred from"~~.

SECTION 192. 20.001 (6) of the statutes is created to read:

20.001 (6) APPLIED RECEIPTS. Applied receipts are program or segregated revenue the appropriation of which reduces the amounts appropriated under another appropriation. The reduction is indicated in the other appropriation by the phrase "less the amounts appropriated as applied receipts under". Applied receipts shall be expended and deposited in the same manner as other program or segregated revenue.

SECTION 192m. 20.002 (2) of the statutes is amended to read:

20.002 (2) ACCRUED TAX RECEIPTS. Solely for purposes of relating annual taxes to estimated expenses, amounts withheld under s. 71.64 prior to July 1 and taxes imposed by subch. III of ch. 77 for periods ending prior to July 1 shall be deemed accrued tax receipts as of the close of the fiscal year but no revenue shall be deemed accrued tax receipts unless deposited by the state on or before the August 15 following the end of the fiscal year. Solely for purposes of relating annual taxes to estimated expenses, fees imposed under subch. II of ch. 77 and taxes imposed under ss. 139.02 and 139.03 (2n) shall be deemed accrued tax receipts as of the close of the fiscal year, but no revenue shall be deemed accrued tax receipts unless deposited by this state on or before July 31. Solely for purposes of relating annual taxes to estimated expenses, taxes imposed under s. 70.58 shall be deemed accrued tax receipts as of the close of the fiscal year, but no revenue shall be deemed accrued tax receipts unless it is deposited by this state on or before August 31.

SECTION 193. 20.005 (1) of the statutes is repealed and recreated to read:

20.005 (1) SUMMARY OF ALL FUNDS. The budget governing fiscal operations for the state of Wisconsin for all funds beginning on July 1, 1989, and ending on June 30, 1991, is summarized as follows [See Figure 20.005 (1) following]:

Figure: 20.005 (1) *

GENERAL FUND SUMMARY

	Estimated 1989-90	Estimated 1990-91
REVENUES		
Opening Balance, July 1	\$ 298,418,500	\$ 100,644,000
Estimated Taxes	5,525,910,000	6,004,070,000
Estimated Departmental Revenues	104,719,000	80,657,700
Total Available	\$ 5,929,047,500	\$ 6,185,371,700

* The amounts shown do not reflect the impact of the Governor's partial vetoes.

APPROPRIATIONS AND RESERVES

Gross Appropriations	\$ 5,804,541,800	\$ 6,041,838,500
Compensation Reserves	51,200,000	101,022,800
Less Estimated Lapses	-27,338,300	-28,485,700

Net Appropriations and Reserves	\$ 5,828,403,500	\$ 6,114,375,600
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BALANCES

Gross Balance	\$ 100,644,000	\$ 70,996,100
Required Statutory Balance	-58,045,400	-60,418,400

Net Balance, June 30	\$ 42,598,600	\$ 10,577,700
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SUMMARY OF APPROPRIATIONS - ALL FUNDS

	1989-90	1990-91
General Purpose Revenue	\$ 5,804,541,800	\$ 6,041,838,500
Federal Revenue	(2,424,587,500)	(2,490,190,300)
Program	2,183,456,600	2,248,205,500
Segregated	241,130,900	241,984,800
Program Revenue	(1,430,101,200)	(1,466,903,400)
State	1,232,316,600	1,266,230,300
Service	197,784,600	200,673,100
Segregated Revenue	(1,268,313,800)	(1,302,381,500)
State	1,234,805,400	1,267,313,000
Local	23,551,700	24,141,200
Service	9,956,700	10,927,300
GRAND TOTAL	\$10,927,544,300	\$11,301,313,700

SUMMARY OF COMPENSATION RESERVES - ALL FUNDS

	1989-90	1990-91
General Purpose Revenue	\$ 51,200,000	\$ 101,022,800
Federal Revenue	14,957,300	29,512,300
Program Revenue	38,428,800	75,823,900
Segregated Revenue	10,470,100	20,658,600
TOTAL	\$ 115,056,200	\$ 227,017,600

SECTION 194. 20.005 (2) of the statutes is repealed and recreated to read:

20.005 (2) STATE BORROWING PROGRAM SUMMARY. The following tabulation sets forth the state borrowing program summary: [See Figures 20.005 (2) (a) and (b) following]

Figure: 20.005 (2) (a)

SUMMARY OF BONDING AUTHORITY MODIFICATIONS, 1989-91 FISCAL BIENNIUM	
SOURCE AND PURPOSE	1989-91 BIENNIUM
GENERAL OBLIGATIONS	
Building commission	
Discount sale of debt	\$ 25,000,000
Housing state departments and agencies	3,500,000
Capital equipment acquisition	9,000,000
Other public purposes	70,095,000
Refunding corporation debt -	
Self-amortizing	-28,678,400
Tax supported	-36,906,300

Health and social services	
Mental health facilities	13,402,500
Correctional facilities	22,151,200
Historical society	
Self-amortizing facilities	287,000
Museum facility	402,400
Military affairs	9,085,000
Natural resources	
Recreation development	3,919,500
Segregated revenue supported facilities	1,049,000
General fund supported	
administrative facilities	1,401,000
Land acquisition	7,205,000
Land acquisition--Wisconsin	
heritage program	500,000
Clean water fund	243,399,000
Local parks land acquisition	
and development	830,000
Environmental repair	7,500,000
Ice age trail	250,000
Dam repair	2,500,000
Stewardship fund	250,000,000
Public instruction	525,000
University of Wisconsin system	
Academic facilities	80,619,000
Self-amortizing facilities	58,675,500
Veterans affairs	
Veterans home	7,149,000
Mortgage loans	41,000,000

TOTAL General Obligation Bonds	\$793,860,400
STATE-ISSUED REVENUE OBLIGATIONS	
Transportation	
Highway program	\$ 93,734,000

TOTAL State-issued Revenue Obligation Bonds	\$ 93,734,000
GRAND TOTAL Bonding Authority Modifications	\$887,594,400

Figure: 20.005 (2) (b)

GENERAL OBLIGATION AND BUILDING CORPORATION DEBT SERVICE			
FISCAL YEARS 1989-90 AND 1990-91			
STATUTE, AGENCY AND PURPOSE	SOURCE	1989-90	1990-91
20.225 <i>Educational communications board</i>			
(1) (c) Educational communications facilities	GPR \$	478,000	\$ 504,600
20.245 <i>Historical society</i>			
(2) (e) Historic sites	GPR	215,300	244,700
(4) (e) Administrative facilities	GPR	-0-	-0-
(5) (e) Museum facility	GPR	309,000	368,300
20.250 <i>Medical college of Wisconsin</i>			
(1) (e) Medical college of Wisconsin	GPR	565,100	544,100
20.255 <i>Public instruction, department of</i>			
(1) (d) Schools of deaf and visually handicapped	GPR	762,700	820,700
20.285 <i>University of Wisconsin system</i>			
(1) (d) University academic facilities	GPR	54,765,700	57,178,500

(1) (da)	University academic facilities, building corp.	GPR	1,663,200	1,663,200
(1) (db)	Self-amortizing facilities	GPR	-0-	-0-
20.370 Natural resources, department of				
(1) (kc)	Resource acquisition and development	GPR	8,076,100	9,919,700
(1) (kd)	Olympic ice rink, building corp.	GPR	33,400	33,400
(2) (jc)	Environmental repair	GPR	-0-	269,900
(4) (jb)	Recreational boating	GPR	112,200	119,700
(4) (jc)	Point source pollution abatement	GPR	70,703,400	81,372,900
(4) (jd)	Combined sewer overflow facilities	GPR	10,406,200	15,151,800
(8) (Lb)	Administrative facilities	GPR	375,700	379,700
20.435 Health and social services, department of				
(2) (ee)	Mental health facilities	GPR	4,923,600	4,977,400
(2) (ef)	Mental health facilities, building corporation	GPR	-0-	-0-
(3) (e)	Correctional facilities	GPR	16,022,200	19,713,500
(3) (ec)	Prison industries	GPR	-0-	-0-
(3) (ef)	Correctional facilities, building corporation	GPR	22,200	22,200
(5) (e)	Workshop for the blind	GPR	23,600	24,300
20.455 Justice, department of				
(2) (cm)	State crime laboratory	GPR	281,300	278,800
20.465 Military affairs, department of				
(1) (d)	National guard facilities	GPR	655,000	868,900
20.485 Veterans affairs, department of				
(1) (e)	Veterans home, building corp.	GPR	22,200	22,200
(1) (f)	Veterans home	GPR	397,600	504,500
20.867 Building commission				
(1) (a)	Housing state agencies	GPR	-0-	-0-
(1) (b)	Capitol and executive residence	GPR	1,427,200	1,547,100
(3) (a)	Unallocated debt service	GPR	1,120,500	6,608,700
(3) (b)	Other public purpose	GPR	18,400	17,600
(3) (c)	Lease rental payments	GPR	-0-	-0-
TOTAL General Purpose Revenue Debt Service			\$173,379,800	\$203,156,400
20.115 Agriculture, trade and consumer protection, department of				
(5) (j)	State fair park	PR \$	610,200	\$ 615,200
20.245 Historical Society				
(2) (j)	Self-amortizing facilities	PR	62,800	62,800
20.285 University of Wisconsin system				
(1) (gb)	University self-amortizing facilities	PR	7,201,600	9,082,800
(1) (gc)	University self-amortizing facilities, building corp.	PR	830,200	830,200
20.435 Health and social services, department of				
(3) (ko)	Prison industries equipment, self-amortizing	PR	55,000	150,500
20.505 Administration, department of				
(5) (kb)	State office buildings, building corporation	PR	-0-	-0-
(5) (kc)	State office buildings	PR	5,708,600	6,188,200

20.867 Building Commission

(3) (g)	Unallocated debt service	PR	-0-	-0-
(3) (h)	Self-amortizing facilities	PR	-0-	-0-
(3) (i)	Capital equipment	PR	3,434,600	3,481,300

TOTAL Program Revenue Debt Service			\$ 17,903,000	\$ 20,411,000
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20.370 Natural resources, department of

(1) (kw)	Resource acquisition and development	SEG	\$ 241,200	\$ 241,200
(4) (jq)	Clean water fund bonds	SEG	-0-	-0-
(4) (jr)	Clean water fund revenue obligation repayment	SEG	-0-	-0-
(8) (ls)	Administrative facilities	SEG	407,800	410,700

20.395 Transportation, department of

(6) (aq)	Highways program	SEG	20,367,900	19,729,600
(6) (ar)	Administrative facilities	SEG	808,700	799,100

20.485 Veterans affairs, department of

(3) (t)	Veterans home mortgage loans	SEG	110,741,100	104,226,400
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20.867 Building commission

(3) (q)	Unallocated debt service, self-amortizing facilities	SEG	-0-	-0-
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TOTAL Segregated Revenue Debt Service			\$132,566,700	\$125,407,000
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GRAND TOTAL All Debt Service			\$323,849,500	\$348,974,400
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SECTION 195. 20.005 (3) of the statutes is repealed and recreated to read:

20.005 (3) APPROPRIATIONS. The following tabulation lists all annual, biennial and sum certain continuing appropriations and anticipated expenditures from other appropriations for the programs and other purposes indicated. All appropriations are made from the general fund unless otherwise indicated. The letter abbreviations shown designating the type of appropriation apply to both fiscal years in the schedule unless otherwise indicated. [See Figure 20.005 (3) following]

Figure: 20.005 (3)*

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
Commerce				
20.115 Agriculture, trade and consumer protection, department of				
(1) FOOD SAFETY AND CONSUMER PROTECTION				
(a) General program operations	GPR	A	-0-	-0-
Food inspection	GPR	A	2,157,500	2,156,400
Meat and poultry inspection	GPR	A	1,837,000	1,837,400
Trade and consumer protection	GPR	A	1,801,000	1,760,500
NET APPROPRIATION			5,795,500	5,754,300
(g) Related services	PR	A	25,100	25,100
(gb) Food regulation	PR	A	2,243,100	2,245,900
(gm) Dairy trade regulation	PR	A	135,600	135,800
(im) Unfair sales act enforcement	PR	A	75,600	76,800
(j) Weights and measures inspection	PR	A	300,200	255,800
(jm) Warehouse keeper and grain dealer regulation	PR	C	64,400	64,500
(m) Federal funds	PR-F	C	2,130,200	2,129,900
(q) Automobile repair regulation	SEG	A	233,500	233,400
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			5,795,500	5,754,300
PROGRAM REVENUE			4,974,200	4,933,800

* The program totals, department totals and functional area totals do not reflect the impact of the Governor's partial vetoes.

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
FEDERAL	(		2,130,200)	(2,129,900)
OTHER	(		2,844,000)	(2,803,900)
SEGREGATED FUNDS			233,500	233,400
OTHER	(		233,500)	(233,400)
TOTAL-ALL SOURCES			11,003,200	10,921,500
(2) ANIMAL HEALTH SERVICES				
(a) General program operations	GPR	A	-0-	-0-
Animal health services	GPR	A	2,549,200	2,556,100
Plant health services	GPR	A	-0-	-0-
NET APPROPRIATION			2,549,200	2,556,100
(b) Animal disease indemnities	GPR	S	46,000	46,000
(c) Pseudorabies control program; administration	GPR	A	146,100	149,800
(cm) Pseudorabies control program	GPR	B	50,000	-0-
(d) Animal health and disease research; lyme disease	GPR	B	75,000	125,000
(g) Related services	PR	A	1,373,400	1,400,800
(gb) Animal health and disease research; gifts and grants	PR	C	-0-	-0-
(h) Sale of supplies	PR	A	62,700	62,700
(hm) Dead animal regulation	PR	C	7,500	7,500
(i) Mink research assessments	PR	A	6,000	6,000
(j) Dog licenses, rabies control and related services	PR	A	108,300	110,400
(m) Federal funds	PR-F	C	110,600	110,600
(2) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			2,866,300	2,876,900
PROGRAM REVENUE			1,668,500	1,698,000
FEDERAL	(		110,600)	(110,600)
OTHER	(		1,557,900)	(1,587,400)
TOTAL-ALL SOURCES			4,534,800	4,574,900
(3) MARKETING SERVICES				
(a) General program operations	GPR	A	-0-	-0-
Agricultural services	GPR	A	1,282,600	1,292,800
Management information services	GPR	A	-0-	-0-
NET APPROPRIATION			1,282,600	1,292,800
(b) Farm produce grading; inspection	GPR	A	20,000	20,000
(g) Related services	PR	A	969,800	969,700
(h) Grain regulation--Milwaukee	PR	C	606,200	606,100
(i) Marketing orders and agreements	PR	C	24,700	24,700
(j) Grain regulation--Superior	PR	C	2,214,500	2,214,500
(k) Potato board; assessments	PR	A	363,100	363,100
(m) Federal funds	PR-F	C	-0-	-0-
(3) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			1,302,600	1,312,800
PROGRAM REVENUE			4,178,300	4,178,100
FEDERAL	(		-0-)	(-0-)
OTHER	(		4,178,300)	(4,178,100)
TOTAL-ALL SOURCES			5,480,900	5,490,900
(4) AGRICULTURAL ASSISTANCE				
(a) Aid to Wisconsin livestock breeders association	GPR	A	27,200	27,200
(b) Aids to county and district fairs	GPR	A	368,500	368,500
(c) Research and development grants	GPR	A	150,000	100,000

89 WisACT 31

- 98 -

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91	
(a) General research grant	GPR	A	50,000	50,000	Vetoed in Part
(e) Aids to world dairy expo, inc.	GPR	A	86,600	86,500	
(g) Parimutuel racing supplemental aid	PR	C	-0-	-0-	
(4) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			662,300	582,200	
PROGRAM REVENUE			-0-	-0-	
OTHER	(		-0-)	-0-)	
TOTAL-ALL SOURCES			662,300	582,200	
(5) STATE FAIR PARK					
(h) State fair operations	PR	A	7,732,400	7,732,400	
(i) State fair capital expenses	PR	C	224,000	224,000	
(j) State fair principal repayment, interest and rebates	PR	S	610,200	615,200	
(5) PROGRAM TOTALS					
PROGRAM REVENUE			8,566,600	8,571,600	
OTHER	(		8,566,600)	8,571,600)	
TOTAL-ALL SOURCES			8,566,600	8,571,600	
(7) AGRICULTURAL RESOURCE MANAGEMENT					
(a) General program operations	GPR	A	2,841,000	2,751,200	
(c) Soil and water resource management program	GPR	C	2,604,500	2,604,500	
(dm) Wind erosion control aids	GPR	C	100,000	100,000	
(g) Agricultural impact statements	PR	C	80,300	80,900	
(ga) Related services	PR	C	27,900	42,000	
(gm) Seed testing and labeling	PR	C	80,800	96,200	
(h) Fertilizer research assessments	PR	C	160,300	160,500	
(ha) Liming material research funds	PR	A	25,000	25,000	
(i) Pesticide certification and regulation	PR	A	628,100	589,200	
(ig) Plat review	PR	A	169,300	169,600	
(k) Agricultural resource management services	PR-S	C	203,200	145,700	
(m) Federal funds	PR-F	C	277,600	280,600	
(s) Groundwater -- standards; implementation	SEG	A	253,600	253,500	
(7) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			5,545,500	5,455,700	
PROGRAM REVENUE			1,652,500	1,589,700	
FEDERAL	(		277,600)	280,600)	
OTHER	(		1,171,700)	1,163,400)	
SERVICE	(		203,200)	145,700)	
SEGREGATED FUNDS			253,600	253,500	
OTHER	(		253,600)	253,500)	
TOTAL-ALL SOURCES			7,451,600	7,298,900	
(8) CENTRAL ADMINISTRATIVE SERVICES					
(a) General program operations	GPR	A	2,939,900	3,152,600	
(d) Stray voltage assistance grants	GPR	A	50,000	50,000	Vetoed in Part
(g) Gifts and grants	PR	C	175,000	175,000	
(ga) Milk standards program	PR	C	122,900	122,900	
(h) Sale of material and supplies	PR	C	42,500	42,700	
(ha) General laboratory related services	PR	C	15,000	15,000	

-99-

89 WisACT 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
(i) Related services	PR	A	60,000	60,000
(j) Stray voltage program	PR	A	129,000	129,000
(jm) Vehicle fleet charges	PR	B	49,000	49,000
(kL) Central services	PR-S	C	470,000	470,000
(km) General laboratory services	PR-S	B	1,612,000	1,528,100
(ks) State contractual services	PR-S	C	-0-	-0-
(m) Federal funds	PR-F	C	55,000	55,000
(pz) Indirect cost reimbursements	PR-F	C	286,100	216,200
(8) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			2,989,900	3,202,600
PROGRAM REVENUE			3,016,500	2,862,900
FEDERAL	(		341,100)	(271,200)
OTHER	(		593,400)	(593,600)
SERVICE	(		2,082,000)	(1,998,100)
TOTAL-ALL SOURCES			6,006,400	6,065,500
(9) FARM MEDIATION AND FARMER ASSISTANCE				
(a) General program operations	GPR	A	117,200	117,200
(m) Federal funds	PR-F	C	-0-	-0-
(9) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			117,200	117,200
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	(-0-)
TOTAL-ALL SOURCES			117,200	117,200
20.115 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			19,279,300	19,301,700
PROGRAM REVENUE			24,056,600	23,834,100
FEDERAL	(		2,859,500)	(2,792,300)
OTHER	(		18,911,900)	(18,898,000)
SERVICE	(		2,285,200)	(2,143,800)
SEGREGATED FUNDS			487,100	486,900
OTHER	(		487,100)	(486,900)
TOTAL-ALL SOURCES			43,823,000	43,622,700
20.124 Banking, office of the commissioner of				
(1) SUPERVISION OF BANKS AND RELATED FINANCIAL INSTITUTIONS				
(a) Losses on public deposits	GPR	S	-0-	-0-
(g) General program operations	PR	A	3,879,700	3,911,700
(u) State deposit fund	SEG	S	-0-	-0-
20.124 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
PROGRAM REVENUE			3,879,700	3,911,700
OTHER	(		3,879,700)	(3,911,700)
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			3,879,700	3,911,700
20.141 Credit unions, office of the commissioner of				
(1) SUPERVISION OF CREDIT UNIONS				
(g) General program operations	PR	A	1,113,200	1,117,500
20.141 DEPARTMENT TOTALS				
PROGRAM REVENUE			1,113,200	1,117,500
OTHER	(		1,113,200)	(1,117,500)
TOTAL-ALL SOURCES			1,113,200	1,117,500

Vetoed 20.143 ~~Tourism and development, department of~~
in Part (1) ECONOMIC AND COMMUNITY DEVELOPMENT

(a) General program operations and seed capital fund	GPR	A	4,352,200	4,303,100
(b) Economic development promotion	GPR	A	225,900	235,200
(bg) Women's businesses revolving				

89 WisACT 31

- 100 -

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
fund	GPR	B	125,000	-0-
(bm) Aid to Forward Wisconsin, inc.	GPR	A	500,000	500,000
(c) Wisconsin development fund; grants and loans	GPR	B	4,882,100	2,391,600
(d) Wisconsin development fund; major grants and loans	GPR	B	14,646,200	7,174,700
(dm) Grants to regional planning commissions	GPR	B	-0-	-0-
(dr) Main street program	GPR	A	330,700	330,700
(e) Technology-based economic development	GPR	A	75,800	286,000
(er) Rural economic development program	GPR	B	300,000	300,000
(f) Employee ownership assistance loans	GPR	B	100,000	100,000
(fg) Community-based economic development programs	GPR	A	711,200	885,600
(fm) Minority business projects; grants and loans	GPR	B	850,000	750,000
(fz) Pilot export development loans	GPR	B	150,000	150,000
(g) Gifts, grants and proceeds	PR	C	73,600	79,600
(gr) Pilot export development loan repayment	PR	C	-0-	-0-
(h) Economic development operations	PR	A	34,500	34,500
(ie) Wisconsin development fund, repayments	PR	C	-0-	-0-
(im) Minority business projects; repayments	PR	C	-0-	-0-
(ir) Rural economic development loan repayments	PR	C	-0-	-0-
(j) Employee ownership assistance loans	PR	C	-0-	-0-
(k) Sale of materials or services	PR-S	C	190,000	190,000
(ka) Sale of materials and services--local assistance	PR-S	C	-0-	-0-
(kb) Sale of materials and services--individuals and organizations	PR-S	C	-0-	-0-
(m) Federal aid, state operations	PR-F	C	434,800	434,800
(n) Federal aid, local assistance	PR-F	C	21,518,100	21,518,100
(o) Federal aid, individuals and organizations	PR-F	C	-0-	-0-
(x) Industrial building construction loan fund	SEG	C	-0-	-0-
(1) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			27,249,100	17,406,900
PROGRAM REVENUE			22,251,000	22,257,000
FEDERAL (			21,952,900) (	21,952,900)
OTHER (			108,100) (	114,100)
SERVICE (			190,000) (	190,000)
SEGREGATED FUNDS			-0-	-0-
OTHER (			-0-) (	-0-)
TOTAL-ALL SOURCES			49,500,100	39,663,900
(2) TOURISM DEVELOPMENT AND PROMOTION				
(a) General program operations	GPR	A	1,641,800	1,731,000
(b) Tourism marketing	GPR	A	6,864,600	6,892,400

-101-

89 WisACT 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91	Vetoed
(am) Indian group travel grants	GPR	A	1,800	-0-	Vetoed in Part
(ay) American Indian travel grants	GPR	A	50,000	-0-	Vetoed in Part
(c) Film promotion	GPR	A	165,000	165,000	Vetoed in Part
(g) Gifts, grants and proceeds	PR	C	25,100	25,100	
(k) Sale of materials or services	PR-S	C	2,300	2,300	
(ka) Sale of materials and services--local assistance	PR-S	C	-0-	-0-	
(kb) Sale of materials and services--individuals and organizations	PR-S	C	-0-	-0-	
(m) Federal aid, state operations	PR-F	C	-0-	-0-	
(n) Federal aid, local assistance	PR-F	C	-0-	-0-	
(o) Federal aid, individuals and organizations	PR-F	C	-0-	-0-	
(r) Tourist information center building	SEG	A	250,000	-0-	
(2) P R O G R A M T O T A L S					
GENERAL PURPOSE REVENUES			8,728,900	8,788,400	
PROGRAM REVENUE			27,400	27,400	
FEDERAL	(		-0-)	(	-0-)
OTHER	(		25,100)	(	25,100)
SERVICE	(		2,300)	(	2,300)
SEGREGATED FUNDS			250,000	-0-	
OTHER	(		250,000)	(	-0-)
TOTAL-ALL SOURCES			9,006,300	8,815,800	
(4) EXECUTIVE AND ADMINISTRATIVE SERVICES					
(a) General program operations	GPR	A	2,241,600	2,244,600	
(d) Strategic planning council research	GPR	B	45,000	45,000	
(g) Gifts, grants and proceeds	PR	C	5,000	5,000	
(k) Sale of materials or services	PR-S	C	33,100	33,100	
(ka) Sale of materials and services--local assistance	PR-S	C	-0-	-0-	
(kb) Sale of materials and services--individuals and organizations	PR-S	C	-0-	-0-	
(m) Federal aid, state operations	PR-F	C	72,800	72,800	
(n) Federal aid, local assistance	PR-F	C	-0-	-0-	
(o) Federal aid, individuals and organizations	PR-F	C	-0-	-0-	
(pz) Indirect cost reimbursements	PR-F	C	327,700	327,700	
(4) P R O G R A M T O T A L S					
GENERAL PURPOSE REVENUES			2,286,600	2,289,600	
PROGRAM REVENUE			438,600	438,600	
FEDERAL	(		400,500)	(	400,500)
OTHER	(		5,000)	(	5,000)
SERVICE	(		33,100)	(	33,100)
TOTAL-ALL SOURCES			2,725,200	2,728,200	
20.143 DEPARTMENT T O T A L S					
GENERAL PURPOSE REVENUES			38,264,600	28,484,900	
PROGRAM REVENUE			22,717,000	22,723,000	
FEDERAL	(		22,353,400)	(	22,353,400)
OTHER	(		138,200)	(	144,200)
SERVICE	(		225,400)	(	225,400)
SEGREGATED FUNDS			250,000	-0-	
OTHER	(		250,000)	(	-0-)
TOTAL-ALL SOURCES			61,231,600	51,207,900	

89 WisACT 31

- 102 -

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
20.145 Insurance, office of the commissioner of				
(1) SUPERVISION OF THE INSURANCE INDUSTRY				
(g) General program operations	PR	A	4,972,000	4,842,600
(gm) Gifts and grants	PR	C	-0-	-0-
(m) Federal funds	PR-F	C	-0-	-0-
(1) PROGRAM TOTALS				
PROGRAM REVENUE			4,972,000	4,842,600
FEDERAL	(		-0-)	-0-)
OTHER	(		4,972,000)	4,842,600)
TOTAL-ALL SOURCES			4,972,000	4,842,600
(2) PATIENTS COMPENSATION FUND				
(u) Administration	SEG	A	350,900	350,900
(um) Peer review council	SEG	A	62,300	62,300
(v) Operations and benefits	SEG	C	36,523,500	43,828,200
(2) PROGRAM TOTALS				
SEGREGATED FUNDS			36,936,700	44,241,400
OTHER	(		36,936,700)	44,241,400)
TOTAL-ALL SOURCES			36,936,700	44,241,400
(3) LOCAL GOVERNMENT PROPERTY INSURANCE FUND				
(u) Administration	SEG	A	180,900	180,900
(v) Operations and benefits	SEG	C	6,650,000	6,950,000
(3) PROGRAM TOTALS				
SEGREGATED FUNDS			6,830,900	7,130,900
OTHER	(		6,830,900)	7,130,900)
TOTAL-ALL SOURCES			6,830,900	7,130,900
(4) STATE LIFE INSURANCE FUND				
(u) Administration	SEG	A	268,900	268,900
(v) Operations and benefits	SEG	C	1,700,000	1,710,000
(4) PROGRAM TOTALS				
SEGREGATED FUNDS			1,968,900	1,978,900
OTHER	(		1,968,900)	1,978,900)
TOTAL-ALL SOURCES			1,968,900	1,978,900
(7) HEALTH INSURANCE RISK SHARING PLAN ADMINISTRATION				
(a) Premium reduction and deductible subsidy	GPR	B	636,400	937,500
(u) Administration	SEG	C	199,700	199,700
(7) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			636,400	937,500
SEGREGATED FUNDS			199,700	199,700
OTHER	(		199,700)	199,700)
TOTAL-ALL SOURCES			836,100	1,137,200
20.145 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			636,400	937,500
PROGRAM REVENUE			4,972,000	4,842,600
FEDERAL	(		-0-)	-0-)
OTHER	(		4,972,000)	4,842,600)
SEGREGATED FUNDS			45,936,200	53,550,900
OTHER	(		45,936,200)	53,550,900)
TOTAL-ALL SOURCES			51,544,600	59,331,000
20.155 Public service commission				
(1) REGULATION OF PUBLIC UTILITIES				
(g) Utility regulation	PR	A	8,604,600	8,270,000
(h) Holding company regulation	PR	C	352,700	352,700
(j) Intervenor financing	PR	A	200,000	200,000
(L) Stray voltage program	PR	A	142,200	142,200
(Lb) Gifts for stray voltage program	PR	C	-0-	-0-
(m) Federal funds	PR-F	C	101,700	101,700
20.155 DEPARTMENT TOTALS				

- 103 -

89 WisAct 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
PROGRAM REVENUE			9,401,200	9,066,600
FEDERAL	(		101,700)	(101,700)
OTHER	(		9,299,500)	(8,964,900)
TOTAL-ALL SOURCES			9,401,200	9,066,600
20.165 Regulation and licensing, department of				
(1) PROFESSIONAL REGULATION				
(g) General program operations	PR	A	5,719,200	5,687,500
(h) Technical assistance; nonstate agencies and organizations	PR	C	-0-	-0-
(i) Examinations	PR	C	-0-	-0-
(k) Technical assistance; state agencies	PR-S	C	-0-	-0-
20.165 DEPARTMENT TOTALS				
PROGRAM REVENUE			5,719,200	5,687,500
OTHER	(		5,719,200)	(5,687,500)
SERVICE	(		-0-)	(-0-)
TOTAL-ALL SOURCES			5,719,200	5,687,500
20.175 Savings and loan, office of the commissioner of				
(1) SUPERVISION OF SAVINGS AND LOAN ASSOCIATIONS				
(g) General program operations	PR	A	896,300	900,700
20.175 DEPARTMENT TOTALS				
PROGRAM REVENUE			896,300	900,700
OTHER	(		896,300)	(900,700)
TOTAL-ALL SOURCES			896,300	900,700
20.185 Securities, office of the commissioner of				
(1) SECURITIES, CORPORATE TAKE-OVER AND FRANCHISE INVESTMENT REGULATION				
(g) General program operations	PR	A	1,452,700	1,455,200
(h) Investor education fund	PR	A	100,000	100,000
20.185 DEPARTMENT TOTALS				
PROGRAM REVENUE			1,552,700	1,555,200
OTHER	(		1,552,700)	(1,555,200)
TOTAL-ALL SOURCES			1,552,700	1,555,200
20.192 Racing board				
(1) PARI-MUTUEL RACING				
(a) General fund supplement	GPR	B	-0-	-0-
(g) General program operations	PR	A	1,588,300	3,334,200
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
PROGRAM REVENUE			1,588,300	3,334,200
OTHER	(		1,588,300)	(3,334,200)
TOTAL-ALL SOURCES			1,588,300	3,334,200
(2) EDUCATION, RESEARCH AND DEVELOPMENT ACTIVITIES				
(g) Special programs	PR	C	-0-	-0-
(h) Purse supplements	PR	C	-0-	-0-
(i) County fair association grants	PR	C	-0-	-0-
(2) PROGRAM TOTALS				
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-
20.192 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
PROGRAM REVENUE			1,588,300	3,334,200
OTHER	(		1,588,300)	(3,334,200)
TOTAL-ALL SOURCES			1,588,300	3,334,200

89 WisACT 31

- 104 -

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
20.195 Lottery board				
(1) LOTTERY OPERATION				
(q) General program operations	SEG	A	35,519,600	40,556,800
(s) Prizes	SEG	S	-0-	-0-
20.195 DEPARTMENT TOTALS				
SEGREGATED FUNDS			35,519,600	40,556,800
OTHER	(		35,519,600)	(40,556,800)
TOTAL-ALL SOURCES			35,519,600	40,556,800

Commerce

FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES			58,180,300	48,724,100
PROGRAM REVENUE			75,896,200	76,973,100
FEDERAL	(		25,314,600)	(25,247,400)
OTHER	(		48,071,000)	(49,356,500)
SERVICE	(		2,510,600)	(2,369,200)
SEGREGATED FUNDS			82,192,900	94,594,600
FEDERAL	(		-0-)	(-0-)
OTHER	(		82,192,900)	(94,594,600)
SERVICE	(		-0-)	(-0-)
LOCAL	(		-0-)	(-0-)
TOTAL-ALL SOURCES			216,269,400	220,291,800

Education

20.215 Arts board

(1) SUPPORT OF ARTS PROJECTS

(a) General program operations	GPR	A	391,800	385,200
(b) State aid for the arts	GPR	A	1,029,300	1,036,800
(c) Portraits of governors	GPR	A	5,800	5,800
(d) Challenge grant program	GPR	A	750,000	1,000,000
(e) Rural arts grants	GPR	A	40,000	40,000
(f) Arts incubators	GPR	B	75,000	-0-
(g) Gifts and grants; state operations	PR	C	2,500	2,500
(h) Gifts and grants; aids to individuals and organizations	PR	C	-0-	-0-
(k) Funds received from other state agencies	PR-S	C	-0-	-0-
(m) Federal grants; state operations	PR-F	C	190,500	190,700
(o) Federal grants; aids to individuals and organizations	PR-F	C	319,100	319,100

20.215 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			2,291,900	2,467,800
PROGRAM REVENUE			512,100	512,300
FEDERAL	(		509,600)	(509,800)
OTHER	(		2,500)	(2,500)
SERVICE	(		-0-)	(-0-)
TOTAL-ALL SOURCES			2,804,000	2,980,100

20.225 Educational communications board

(1) INSTRUCTIONAL TECHNOLOGY

(a) General program operations	GPR	A	3,373,300	3,494,800
(b) Utilities, fuel, heating and cooling	GPR	A	487,500	517,700
(c) Principal repayment and interest	GPR	S	478,000	504,600
(d) Milwaukee area technical college	GPR	A	330,000	330,000
(e) Instructional				

- 105 -

89 WisACT 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
telecommunications projects	GPR	A	321,200	532,700
(eg) Transmitter construction	GPR	C	100,000	-0-
(er) Transmitter operation	GPR	A	25,000	25,000
(f) Programming	GPR	A	1,845,800	1,941,800
(g) Gifts, grants and leases	PR	C	4,432,900	4,432,900
(h) Instructional material	PR	A	315,400	315,400
(m) Federal grants	PR-F	C	387,400	387,400
20.225 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			6,960,800	7,346,600
PROGRAM REVENUE			5,135,700	5,135,700
FEDERAL	(		387,400)	(387,400)
OTHER	(		4,748,300)	(4,748,300)
TOTAL-ALL SOURCES			12,096,500	12,482,300
20.235 Higher educational aids board				
(1) STUDENT SUPPORT ACTIVITIES				
(b) Tuition grants	GPR	B	13,234,700	14,028,800
(cg) Nursing student loans	GPR	A	195,000	318,000
(cr) Minority teacher loans	GPR	S	-0-	-0-
(d) Dental education contract	GPR	A	521,700	490,200
(e) Minnesota-Wisconsin student reciprocity agreement	GPR	S	-0-	-0-
(fb) Indian student assistance	GPR	B	1,233,400	1,287,700
(fe) Wisconsin higher education grants and talent incentive grants	GPR	B	22,587,100	24,105,500
(fg) Minority undergraduate retention grants program; private	GPR	B	416,900	435,200
(fh) Minority undergraduate retention grants program; vocational	GPR	B	209,900	219,100
(fy) Academic excellence higher education scholarship	GPR	A	-0-	500,000
(g) Student loans	PR	A	-0-	-0-
(gg) Nursing student loan repayments	PR	C	-0-	-0-
(gn) Medical student loans	PR	A	-0-	-0-
(i) Gifts and grants	PR	C	-0-	-0-
(m) Federal aid; grants	PR-F	C	-0-	-0-
(n) Federal aid; grants overdrafts	PR-F	C	-0-	-0-
(no) Federal aid; aids to individuals and organizations	PR-F	C	1,860,300	1,860,300
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			38,398,700	41,384,500
PROGRAM REVENUE			1,860,300	1,860,300
FEDERAL	(		1,860,300)	(1,860,300)
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			40,259,000	43,244,800
(2) ADMINISTRATION				
(aa) General program operations	GPR	A	605,100	605,100
(ba) Student loan interest	GPR	S	250,000	250,000
(bb) Student loan interest, loans sold or conveyed	GPR	S	-0-	-0-
(bc) Write-off of uncollectible student loans	GPR	A	-0-	-0-
(bd) Purchase of defective student loans	GPR	S	-0-	-0-
(ga) Student interest payments	PR	C	40,000	40,000

89 WisACT 31

- 106 -

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
(gb) Student interest payments, loans sold or conveyed	PR	C	-0-	-0-
(ha) Medical loan collections, interest and principal	PR	C	-0-	-0-
(hb) Centralized lender collections; interest and principal	PR	C	-0-	-0-
(ia) Student loans; collection and administration	PR	C	-0-	-0-
(ja) Write-off of defaulted student loans	PR	A	-0-	-0-
(ma) Federal interest payments	PR-F	C	-0-	-0-
(mb) Federal interest payments, loans sold or conveyed	PR-F	C	-0-	-0-
(n) Federal aid; state operations	PR-F	C	1,182,200	1,132,200
(qa) Student loan revenue obligation repayment	SEG	C	-0-	-0-
(qb) Wisconsin health education loan revenue obligation repayment	SEG	C	302,200	302,200
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			855,100	855,100
PROGRAM REVENUE			1,222,200	1,172,200
FEDERAL	(		1,182,200)	(1,132,200)
OTHER	(		40,000)	(40,000)
SEGREGATED FUNDS			302,200	302,200
OTHER	(		302,200)	(302,200)
TOTAL-ALL SOURCES			2,379,500	2,329,500
20.235 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			39,253,800	42,239,600
PROGRAM REVENUE			3,082,500	3,032,500
FEDERAL	(		3,042,500)	(2,992,500)
OTHER	(		40,000)	(40,000)
SEGREGATED FUNDS			302,200	302,200
OTHER	(		302,200)	(302,200)
TOTAL-ALL SOURCES			42,638,500	45,574,300
20.245 Historical society				
(1) ARCHIVES, RESEARCH AND LIBRARY SERVICES				
(a) General program operations; archives and research services	GPR	A	986,800	986,800
(am) General program operations; library services	GPR	A	1,329,200	1,337,500
(b) Distribution of the history of Wisconsin	GPR	C	34,100	-0-
(g) Admissions, sales and other receipts	PR	A	247,300	247,300
(h) Gifts and grants	PR	C	93,400	93,400
(k) Funds received from other state agencies	PR-S	C	-0-	-0-
(m) General program operations; federal funds	PR-F	C	184,800	184,800
(r) Endowment	SEG	C	67,800	67,800
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			2,350,100	2,324,300
PROGRAM REVENUE			525,500	525,500
FEDERAL	(		184,800)	(184,800)
OTHER	(		340,700)	(340,700)
SERVICE	(		-0-)	(-0-)

-107-

89 WisAct 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
SEGREGATED FUNDS			67,800	67,800
OTHER	(		67,800)	(67,800)
TOTAL-ALL SOURCES			2,943,400	2,917,600
(2) HISTORIC SITES				
(a) General program operations	GPR	A	239,200	286,600
(bd) Stonefield Village	GPR	A	118,200	118,200
(be) Pendarvis	GPR	A	70,200	70,200
(bf) Villa Louis	GPR	A	72,300	72,300
(bg) Old Wade House	GPR	A	68,900	68,900
(bh) Madeline Island	GPR	A	25,000	-0-
(bi) Old World Wisconsin	GPR	A	354,300	354,300
(c) Utilities, fuel, heating and cooling	GPR	A	58,200	60,900
(e) Principal repayment and interest	GPR	S	215,300	244,700
(g) Admissions, sales and other receipts	PR	C	1,262,700	1,262,700
(h) Gifts and grants	PR	C	45,000	45,000
(j) Self-amortizing facilities; principal repayment, interest and rebates	PR	S	62,800	62,800
(k) Funds received from other state agencies	PR-S	C	-0-	-0-
(m) General program operations; federal funds	PR-F	C	-0-	-0-
(r) Endowment	SEG	C	26,400	26,400
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,221,600	1,276,100
PROGRAM REVENUE			1,370,500	1,370,500
FEDERAL	(		-0-)	(-0-)
OTHER	(		1,370,500)	(1,370,500)
SERVICE	(		-0-)	(-0-)
SEGREGATED FUNDS			26,400	26,400
OTHER	(		26,400)	(26,400)
TOTAL-ALL SOURCES			2,618,500	2,673,000
(3) HISTORIC PRESERVATION				
(a) General program operations	GPR	A	632,900	779,900
(g) Admissions, sales and other receipts	PR	A	5,000	5,000
(h) Gifts and grants	PR	C	8,000	8,000
(k) Funds received from other state agencies	PR-S	C	-0-	-0-
(m) General program operations; federal funds	PR-F	C	426,200	426,200
(n) Federal aids	PR-F	C	-0-	-0-
(r) Endowment	SEG	C	-0-	-0-
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			632,900	779,900
PROGRAM REVENUE			439,200	439,200
FEDERAL	(		426,200)	(426,200)
OTHER	(		13,000)	(13,000)
SERVICE	(		-0-)	(-0-)
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			1,072,100	1,219,100
(4) EXECUTIVE AND ADMINISTRATIVE SERVICES				
(a) General program operations	GPR	A	1,270,900	1,282,000
(c) Utilities, fuel, heating and cooling	GPR	A	156,800	162,100

89 WisACT 31

- 108 -

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
(e) Principal repayment and interest	GPR	S	-0-	-0-
(f) Humanities grants	GPR	B	50,000	-0-
(g) Admissions, sales and other receipts	PR	A	213,300	213,300
(h) Gifts and grants	PR	C	64,700	64,700
(k) Funds received from other state agencies	PR-S	C	-0-	-0-
(m) General program operations; federal funds	PR-F	C	127,200	127,200
(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
(q) Endowment principal	SEG	C	-0-	-0-
(r) Endowment	SEG	C	31,800	31,800
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,477,700	1,444,100
PROGRAM REVENUE			405,200	405,200
FEDERAL	(		127,200)	(127,200)
OTHER	(		278,000)	(278,000)
SERVICE	(		-0-)	(-0-)
SEGREGATED FUNDS			31,800	31,800
OTHER	(		31,800)	(31,800)
TOTAL-ALL SOURCES			1,914,700	1,881,100
(5) MUSEUM				
(a) General program operations	GPR	A	726,300	701,300
(c) Utilities, fuel, heating and cooling	GPR	A	60,500	60,500
(e) Principal repayment and interest	GPR	S	309,000	368,300
(g) Admissions, sales and other receipts	PR	C	82,400	82,400
(h) Gifts and grants	PR	C	11,600	11,600
(k) Funds received from other state agencies	PR-S	C	429,200	401,300
(m) General program operations, federal funds	PR-F	C	15,300	15,300
(r) Endowment	SEG	C	1,600	1,600
(5) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,095,800	1,130,100
PROGRAM REVENUE			538,500	510,600
FEDERAL	(		15,300)	(15,300)
OTHER	(		94,000)	(94,000)
SERVICE	(		429,200)	(401,300)
SEGREGATED FUNDS			1,600	1,600
OTHER	(		1,600)	(1,600)
TOTAL-ALL SOURCES			1,635,900	1,642,300
(6) BURIAL SITE CATALOG, EXCAVATION AND ANALYSIS				
(a) General program operations	GPR	A	102,900	102,900
(g) Excavation and analysis; cataloged burial sites	PR	C	-0-	-0-
(6) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			102,900	102,900
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			102,900	102,900
20.245 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			6,881,000	7,057,400
PROGRAM REVENUE			3,278,900	3,251,000
FEDERAL	(		753,500)	(753,500)
OTHER	(		2,096,200)	(2,096,200)

- 109 -

89 WisACT 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
SERVICE	(		429,200)	(401,300)
SEGREGATED FUNDS			127,600	127,600
OTHER	(		127,600)	(127,600)
TOTAL-ALL SOURCES			10,287,500	10,436,000

20.250 Medical college of Wisconsin

(1) TRAINING OF HEALTH MANPOWER

(a) General program operations	GPR	A	4,107,300	4,107,300
(b) Family medicine and practice	GPR	A	1,087,400	1,087,400
(e) Principal repayment and interest	GPR	S	565,100	544,100
20.250 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			5,759,800	5,738,800
TOTAL-ALL SOURCES			5,759,800	5,738,800

20.255 Public instruction, department of

(1) EDUCATIONAL LEADERSHIP

(a) General program operations	GPR	A	12,632,700	12,824,900
(b) General program operations; residential schools	GPR	A	8,110,800	8,014,200
(c) Utilities, fuel, heating and cooling	GPR	A	315,000	328,800
(cm) Environmental education coordinating council	GPR	A	-0-	26,000
(cp) Environmental education grants	GPR	A	-0-	250,000
(cw) Alternative school American Indian language and culture education aid	GPR	A	83,000	89,600
(d) Principal repayment and interest	GPR	S	762,700	820,700
(e) Aid to public library systems	GPR	A	9,563,300	10,125,600
(fg) Special Olympics	GPR	A	75,000	75,000
(fw) Wisconsin educational opportunity program	GPR	A	821,300	834,300
(fz) Minority group pupil scholarships	GPR	A	579,500	579,500
(g) Student activity therapy	PR	A	8,500	8,500
(gt) Residential schools; pupil transportation	PR	A	558,000	571,000
(hf) Administrative leadership academy	PR	A	22,500	22,500
(hg) Personnel cert., teacher supply, information & analysis & teacher improvement	PR	A	1,347,200	1,361,200
(hm) Services for drivers	PR	A	225,000	225,000
(hr) Alcohol and other drug abuse program	PR	C	481,600	485,600
(i) Publications	PR	A	451,900	451,900
(jg) School lunch handling charges	PR	A	1,448,100	1,481,700
(jm) Professional services center charges	PR	A	50,000	51,000
(jr) Gifts, grants and trust funds	PR	C	286,000	282,300
(js) State-owned housing maintenance	PR	A	6,000	6,000
(jz) School district boundary appeal proceedings	PR	C	6,900	6,900
(ke) Funds transferred from other state agencies; program operations	PR-S	C	3,411,000	3,447,700

Vetoed
in Part

89 WisACT 31

-110-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91	
(kk) Funds transferred from other state agencies; aids to ind. and organizations	PR-S	C	710,000	710,000	
(km) State agency library processing center	PR-S	A	70,900	70,900	
(ks) Data processing	PR-S	C	1,474,600	1,474,600	
(kw) Fleet operations	PR-S	A	120,000	120,000	
(L) Gifts, grants and trust funds; aids to individuals and organizations	PR	C	10,000	9,300	
(me) Federal aids; program operations	PR-F	C	8,618,500	8,824,800	
(mm) Federal funds; local assistance	PR-F	C	1,390,800	1,390,800	
(ms) Federal funds; individuals and organizations	PR-F	C	13,533,300	13,533,300	
(pz) Indirect cost reimbursements	PR-F	C	356,700	371,700	
(1) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			32,943,300	33,967,600	
PROGRAM REVENUE			34,587,500	34,906,700	
FEDERAL	(		23,899,300)	(24,120,600)	
OTHER	(		4,901,700)	(4,962,900)	
SERVICE	(		5,786,500)	(5,823,200)	
TOTAL-ALL SOURCES			67,530,800	68,874,300	
(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING					
(ac) General equalization aids	GPR	A	1,316,879,800	1,392,582,100	
Lottery proceeds			66,748,300	74,386,600	
TOTAL			1,383,628,100	1,466,968,700	
(ad) General equalization aids; contingency	GPR	S	-0-	-0-	
(an) Supplemental state aid	GPR	A	23,084,200	23,084,200	
(b) Aids for handicapped education	GPR	A	225,363,200	246,757,200	
(be) Science, mathematics and technology education grants	GPR	A	150,000	250,000	
(br) Aid for reducing kindergarten class size	GPR	A	-0-	2,600,000	Vetoed in Part
(cc) Bilingual-bicultural education aids	GPR	A	6,338,600	7,273,200	
(cg) Tuition payments	GPR	A	3,285,000	3,597,100	
(ch) Grants for children at risk programs	GPR	A	-0-	240,000	Vetoed in Part
(ck) Aid for school breakfasts	GPR	B	100,000	100,000	
(cn) Aids for school lunches and elderly nutrition	GPR	A	4,319,600	4,320,600	
(cp) Wisconsin morning milk program	GPR	A	300,000	325,000	
(cr) Aid for pupil transportation	GPR	A	17,717,700	17,742,500	
(d) Youth initiatives program	GPR	A	500,000	500,000	
(do) Grants for preschool to grade 5 programs	GPR	A	4,210,000	5,670,000	
(e) Vocational education instructor occupational competency program	GPR	A	18,000	18,000	
(ec) Aid to Milwaukee public schools	GPR	C	4,900,000	6,900,000	Vetoed in Part
(em) Volunteer mentor program	GPR	A	100,000	100,000	
(ez) Learning assistance program grants	GPR	A	434,000	1,434,000	

-111-

89 WisACT 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
(f) Pupil minimum competency tests	GPR	A	301,200	301,200
(fg) Aid for cooperative educational service agencies	GPR	A	607,200	607,200
(fi) Youth alcohol and other drug abuse programs	GPR	A	574,000	-0-
(fj) Japanese language and culture grants	GPR	A	-0-	50,000
(fm) Human growth and development grants	GPR	A	200,000	200,000
(fp) Teaching incentive program demonstration projects	GPR	A	-0-	-0-
(ft) Aid for suicide prevention programs	GPR	A	36,000	36,000
(g) Aid for alcohol and other drug abuse programs	PR	C	840,600	815,400
(k) Funds transferred from other state agencies; local aids	PR-S	C	7,374,100	7,224,100
(m) Federal aids; local aid	PR-F	C	144,698,200	140,863,600
(q) General equalization aids; lottery proceeds	SEG	A	66,748,300	74,386,600
(r) Driver education; local assistance	SEG	A	2,551,100	2,506,300
(s) School library aids	SEG	C	12,636,000	13,536,000
(t) School aids from the badger fund	SEG	C	-0-	-0-
(v) Grants for drug abuse resistance education	SEG	A	-0-	500,000
(w) Youth alcohol and other drug abuse programs	SEG	A	-0-	2,000,000
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,609,418,500	1,714,688,300
PROGRAM REVENUE			152,912,900	148,903,100
FEDERAL	(		144,698,200)	(140,863,600)
OTHER	(		840,600)	(815,400)
SERVICE	(		7,374,100)	(7,224,100)
SEGREGATED FUNDS			81,935,400	92,928,900
OTHER	(		81,935,400)	(92,928,900)
TOTAL-ALL SOURCES			1,844,266,800	1,956,520,300
20.255 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			1,642,361,800	1,748,655,900
PROGRAM REVENUE			187,500,400	183,809,800
FEDERAL	(		168,597,500)	(164,984,200)
OTHER	(		5,742,300)	(5,778,300)
SERVICE	(		13,160,600)	(13,047,300)
SEGREGATED FUNDS			81,935,400	92,928,900
OTHER	(		81,935,400)	(92,928,900)
TOTAL-ALL SOURCES			1,911,797,600	2,025,394,600
20.285 University of Wisconsin system				
(1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE				
(a) General program operations	GPR	A	545,811,000	559,343,700
(ab) Student aid	GPR	A	893,300	893,300
(am) Distinguished professorships	GPR	A	492,600	517,900
(as) Industrial and economic development research	GPR	A	1,221,900	1,207,000
(c) Utilities, fuel, heating and cooling	GPR	A	37,599,100	39,521,500
(d) Principal repayment and interest	GPR	S	54,765,700	57,178,500

89 WisACT 31

- 112 -

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91	
(da) Lease rental payments	GPR	S	1,663,200	1,663,200	
(db) Self-amortizing facilities principal and interest	GPR	S	-0-	-0-	
(em) Schools of business	GPR	A	-0-	1,100,000	
(fa) General medical operations	GPR	A	2,282,200	2,282,200	
(fb) Physician loan forgiveness program	GPR	S	35,000	41,200	Vetoed in Part
(fc) Department of family medicine and practice	GPR	A	4,879,500	4,954,600	
(fd) State laboratory of hygiene; general program operations	GPR	A	4,379,900	4,391,200	
(fm) Laboratories	GPR	A	3,759,900	3,763,600	
(g) Physical plant service departments	PR	C	-0-	-0-	
(ga) Surplus auxiliary funds	PR	C	-0-	-0-	
(gb) Principal repayment, interest and rebates	PR	S	7,201,600	9,082,800	
(gc) Lease rental payments	PR	S	830,200	830,200	
(gm) Auxiliary enterprises building projects	PR	C	10,598,000	10,598,000	
(h) Auxiliary enterprises	PR	A	227,795,300	235,824,000	
(ha) Stores	PR	C	4,849,700	5,082,300	
(hm) Extension outreach	PR	C	150,000	150,000	
(i) State laboratory of hygiene	PR	C	8,363,000	8,398,900	
(ia) State laboratory of hygiene, drivers	PR	C	421,500	423,600	
(im) Academic student fees	PR	A	273,413,600	282,185,400	
(iz) General operations receipts	PR	A	37,647,600	39,977,000	
(j) Gifts and donations	PR	C	96,138,500	102,619,400	
(ja) Gifts; student loans	PR	C	1,874,700	2,049,000	
(jL) Doctoral student loan repayments	PR	C	-0-	-0-	
(jm) Distinguished professorships	PR	C	150,200	150,800	
(jp) License plate scholarship program	PR	C	-0-	-0-	
(ja) Physician loan forgiveness program, local contributions	PR	C	-0-	-0-	Vetoed in Part
(ka) Sale of real property	PR	C	-0-	-0-	
(kb) University of Wisconsin hospital and clinics	PR	A	167,058,100	172,563,400	
(L) Libraries	PR	C	383,000	-0-	
(Lm) Laboratories	PR	C	1,814,600	1,816,400	
(Ls) Schools of business	PR	A	-0-	592,300	
(m) Federal aid	PR-F	C	183,018,600	188,371,200	
(ma) Federal aid; loans and grants	PR-F	C	87,045,300	90,488,300	
(n) Federal indirect cost reimbursement	PR-F	C	41,375,600	43,027,600	
(q) License plate scholarship programs	SEG	C	-0-	-0-	
(r) USH 12 development assessment	SEG	A	40,000	25,000	Vetoed in Part
(t) Extension outreach	SEG	A	35,000	40,000	
(u) Trust fund income	SEG	C	9,262,400	10,043,000	
(v) Alcohol and other drug abuse prevention and intervention	SEG	A	-0-	75,000	
(w) Trust fund operations	SEG	C	-0-	-0-	
(x) Driver education teachers	SEG	C	61,000	61,000	
(1) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			657,773,300	676,887,900	
PROGRAM REVENUE			1,150,129,100	1,194,230,600	
FEDERAL			(311,439,500)	(321,887,100)	

- 113 -

89 WisACT 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
OTHER	(		838,689,600)	(872,343,500)
SEGREGATED FUNDS			9,358,400	10,244,000
OTHER	(		9,358,400)	(10,244,000)
TOTAL-ALL SOURCES			1,817,260,800	1,881,362,500
(3) UNIVERSITY SYSTEM ADMINISTRATION				
(a) General program operations	GPR	A	8,102,800	8,155,400
(iz) General operations receipts	PR	A	194,400	195,000
(n) Federal indirect cost reimbursement	PR-F	C	745,300	758,100
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			8,102,800	8,155,400
PROGRAM REVENUE			939,700	953,100
FEDERAL	(		745,300)	(758,100)
OTHER	(		194,400)	(195,000)
TOTAL-ALL SOURCES			9,042,500	9,108,500
(4) MINORITY AND DISADVANTAGED PROGRAMS				
(a) Minority and disadvantaged programs	GPR	A	5,757,300	5,828,200
(b) Advanced opportunity program	GPR	A	2,924,800	3,092,300
(cm) Doctoral student loans	GPR	A	183,400	183,400
(dc) Minority teacher loans	GPR	A	100,000	100,000
(dd) Lawton grants	GPR	A	1,685,200	1,773,200
(de) Pilot minority student tuition award	GPR	A	132,000	132,000
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			10,782,700	11,109,100
TOTAL-ALL SOURCES			10,782,700	11,109,100
(5) UNIVERSITY OF WISCONSIN-MADISON INTERCOLLEGIATE ATHLETICS				
(a) General program operations	GPR	A	505,500	433,600
(g) Segregated student fees	PR	A	760,000	745,000
(h) Auxiliary enterprises	PR	A	9,369,500	9,335,600
(i) Nonincome sports	PR	A	481,900	481,900
(iw) Indoor practice facility for athletic programs operation and maintenance	PR	C	-0-	-0-
(j) Gifts and grants	PR	C	1,675,400	2,846,100
(5) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			505,500	433,600
PROGRAM REVENUE			12,286,800	13,408,600
OTHER	(		12,286,800)	(13,408,600)
TOTAL-ALL SOURCES			12,792,300	13,842,200
20.285 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			677,164,300	696,586,000
PROGRAM REVENUE			1,163,355,600	1,208,592,300
FEDERAL	(		312,184,800)	(322,645,200)
OTHER	(		851,170,800)	(885,947,100)
SEGREGATED FUNDS			9,358,400	10,244,000
OTHER	(		9,358,400)	(10,244,000)
TOTAL-ALL SOURCES			1,849,878,300	1,915,422,300

20.292 Vocational, technical and adult education, board of

(1) VOCATIONAL, TECHNICAL AND ADULT EDUCATION				
(a) General program operations	GPR	A	2,376,400	2,327,600
(b) Displaced homemakers' program	GPR	A	680,100	680,100
(c) Minority student retention grants	GPR	A	52,800	200,000
(d) State aid for vocational, technical and adult education	GPR	A	88,641,000	92,534,500
(dc) Incentive grants	GPR	§	7,631,600	8,499,700
(dm) Aid for special collegiate				

Vetoed
in Part

89 WisACT 31

- 114 -

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
transfer programs	GPR	A	1,081,100	1,196,200
(e) Vocational education instructor occupational competency program	GPR	A	71,300	71,300
(g) Text materials	PR	A	123,000	123,000
(gm) Fire schools; state operations	PR	A	110,100	110,400
(gr) Fire schools; local assistance	PR	A	350,000	350,000
(h) Gifts and grants	PR	C	20,600	20,600
(i) Conferences	PR	C	85,900	85,900
(j) Personnel certification	PR	A	144,200	144,200
(k) Gifts and grants	PR	C	30,200	30,200
(ka) Interagency projects; local assistance	PR-S	A	3,544,700	3,414,700
(kb) Interagency projects; state operations	PR-S	A	828,300	828,300
(m) Federal aid, state operations	PR-F	C	4,388,700	4,388,700
(n) Federal aid, local assistance	PR-F	C	16,195,000	16,195,000
(o) Federal aid, aids to individuals and organizations	PR-F	C	121,500	121,500
(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
(q) Ambulance attendant training; aid	SEG	A	188,900	365,200
(r) Ambulance attendant training; state operations	SEG	A	62,200	62,200
(u) Driver education, local assistance	SEG	A	226,300	226,300
(v) Chauffeur training grants	SEG	C	200,000	200,000
(w) Alcohol and other drug abuse prevention and intervention	SEG	A	-0-	200,000
(1) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			100,534,300	105,509,400
PROGRAM REVENUE			25,942,200	25,812,500
FEDERAL	(		20,705,200)	(20,705,200)
OTHER	(		864,000)	(864,300)
SERVICE	(		4,373,000)	(4,243,000)
SEGREGATED FUNDS			677,400	1,053,700
OTHER	(		677,400)	(1,053,700)
TOTAL-ALL SOURCES			127,153,900	132,375,600
(2) EDUCATIONAL APPROVAL BOARD				
(a) General program operations	GPR	A	-0-	-0-
(g) Proprietary school permits	PR	A	140,900	135,700
(m) Federal aid	PR-F	C	153,600	148,900
(2) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			-0-	-0-
PROGRAM REVENUE			294,500	284,600
FEDERAL	(		153,600)	(148,900)
OTHER	(		140,900)	(135,700)
TOTAL-ALL SOURCES			294,500	284,600
2 0 . 2 9 2 D E P A R T M E N T T O T A L S				
GENERAL PURPOSE REVENUES			100,534,300	105,509,400
PROGRAM REVENUE			26,236,700	26,097,100
FEDERAL	(		20,858,800)	(20,854,100)
OTHER	(		1,004,900)	(1,000,000)
SERVICE	(		4,373,000)	(4,243,000)
SEGREGATED FUNDS			677,400	1,053,700
OTHER	(		677,400)	(1,053,700)
TOTAL-ALL SOURCES			127,448,400	132,660,200

-115-

89 WisACT 31

STATUTE, AGENCY AND PURPOSE

SOURCE TYPE

1989-90

1990-91

Education

FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES	2,481,207,700	2,615,601,500
PROGRAM REVENUE	1,389,101,900	1,430,430,700
FEDERAL	(506,334,100)	(513,126,700)
OTHER	(864,805,000)	(899,612,400)
SERVICE	(17,962,800)	(17,691,600)
SEGREGATED FUNDS	92,401,000	104,656,400
FEDERAL	(-0-)	(-0-)
OTHER	(92,401,000)	(104,656,400)
SERVICE	(-0-)	(-0-)
LOCAL	(-0-)	(-0-)
TOTAL-ALL SOURCES	3,962,710,600	4,150,688,600

Environmental Resources

20.315 Boundary area commission, Minnesota-Wisconsin

(1) BOUNDARY AREA COOPERATION

(a) General program operations	GPR A	111,300	115,000
(g) Gifts or grants	PR C	-0-	-0-

20.315 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	111,300	115,000
PROGRAM REVENUE	-0-	-0-
OTHER	(-0-)	(-0-)
TOTAL-ALL SOURCES	111,300	115,000

20.360 Lower Wisconsin state riverway board

(1) CONTROL OF LAND DEVELOPMENT AND USE IN THE LOWER WISCONSIN STATE RIVERWAY

(a) General program operations	GPR A	89,800	93,900
(g) Gifts and grants	PR C	-0-	-0-

20.360 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	89,800	93,900
PROGRAM REVENUE	-0-	-0-
OTHER	(-0-)	(-0-)
TOTAL-ALL SOURCES	89,800	93,900

20.370 Natural resources, department of

(1) RESOURCE MANAGEMENT

(cq) Forestry--reforestation	SEG C	100,000	100,000
(da) Water resources--Fox river management; general fund	GPR C	-0-	-0-

(dg) Water resources--Milwaukee River revitalization, gifts and contributions	PR C	-0-	-0-
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Vetoed in Part

(di) Water resources--Fox river management; gifts and contributions	PR C	-0-	-0-
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(dj) Water resources--Fox river management; fees	PR C	-0-	-0-
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(dn) Water resources--Fox river management; federal moneys	PR-F C	-0-	-0-
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(dq) Water resources--Fox river management	SEG B	115,000	115,000
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(dr) Water resources--Fox river maintenance and rehab.; transportation fund	SEG C	-0-	-0-
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(ea) Parks--general program operations	GPR A	4,168,500	4,291,600
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(ed) Parks--Olympic ice rink repair, maintenance and improvement	GPR A	32,400	32,400
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89 WisACT 31

-116-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91	
(fb) Endangered resources--general program operations	GPR	A	-0-	-0-	
(fc) Endangered resources--Wisconsin stewardship program	GPR	A	40,000	40,000	
(fd) Endangered resources--natural heritage inventory program	GPR	A	108,600	108,600	
(fk) Endangered resources -- prairie seed farm program	PR-S	C	70,000	-0-	Vetoed in Part
(fs) Endangered resources -- voluntary payments and fees	SEG	C	434,000	443,600	
(gg) Ice age trail--gifts and grants	PR	C	-0-	-0-	
(gh) State trails -- gifts and grants	PR	C	-0-	-0-	
(is) Lake research; voluntary contributions	SEG	C	8,600	8,600	
(jr) Rental property and equipment -- maintenance	SEG	C	-0-	-0-	
(kb) Resource maintenance and development--state funds	GPR	C	1,952,700	1,597,700	
(kc) Resource acquisition and development--principal repayment and interest	GPR	S	8,076,100	9,919,700	
(kd) Resource acquisition & development--Olympic ice rink lease rental payments	GPR	S	33,400	33,400	
(kp) Resource acquisition and development--boating access	SEG	C	100,000	100,000	
(kq) Resource acquisition and development--taxes and assessments	SEG	A	150,000	150,000	
(kr) Resource acquisition and development--nonmotorized boating improvements	SEG	C	-0-	-0-	
(ks) Resource acquisition and development--state funds	SEG	C	439,900	439,900	
(kt) Resource acquisition and development--wetlands habitat improvement	SEG	C	157,500	157,500	
(ku) Resource acquisition and development--Great Lakes trout and salmon	SEG	C	615,000	596,600	
(kv) Resource acquisition and development--trout habitat improvement	SEG	C	526,100	520,900	
(kw) Resource acquisition and development -- principal repayment and interest	SEG	S	241,200	241,200	
(ky) Resource acquisition and development--federal funds	SEG-F	C	2,322,100	2,322,000	
(kz) Resource acquisition & development -- boating access to southeastern lakes	SEG	C	100,000	100,000	
(Lr) Beaver control; fish and wildlife account	SEG	C	100,000	100,000	
(Ls) Control of wild animals	SEG	C	100,000	100,000	
(ma) General program operations--state funds	GPR	A	1,292,800	1,287,600	
(mg) General program operations --					

- 117 -

89 WisACT 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
endangered resources	PR	C	-0-	-0-
(mi) General program operations-private and public sources	PR	C	65,800	38,800
(mk) General program operations--service funds	PR-S	C	495,800	495,800
(mq) General program operations--state snowmobile trails and areas	SEG	A	120,000	120,000
(mr) General program operations--state park, forest and riverway roads	SEG	C	1,850,000	1,850,000
(ms) General program operations --state all-terrain vehicle areas and trails	SEG	A	42,000	30,000
(mu) General program operations--state funds	SEG	A	-0-	-0-
License administration	SEG	A	-0-	-0-
Fisheries management	SEG	A	10,255,900	10,255,900
Wildlife management	SEG	A	6,772,300	6,772,300
Forestry	SEG	A	18,880,400	18,986,300
Southern forests	SEG	A	2,306,500	2,309,100
Parks and recreation	SEG	A	4,179,300	4,254,700
Endangered resources	SEG	A	-0-	-0-
Aeronautics and communications	SEG	A	636,400	636,300
Research	SEG	A	1,670,600	1,670,600
Facilities management	SEG	A	726,000	726,100
Resource acquisition and development	SEG	A	-0-	-0-
NET APPROPRIATION			45,427,400	45,611,300
(my) General program operations --federal funds	SEG-F	C	-0-	-0-
Fisheries management	SEG-F	C	1,968,700	1,968,700
Wildlife management	SEG-F	C	1,355,200	1,355,200
Forestry	SEG-F	C	585,100	585,100
Southern forests	SEG-F	C	117,300	117,300
Parks and recreation	SEG-F	C	342,600	342,600
Endangered resources	SEG-F	C	181,000	181,000
Research	SEG-F	C	1,355,300	1,355,300
NET APPROPRIATION			5,905,200	5,905,200
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			15,704,500	17,311,000
PROGRAM REVENUE			631,600	534,600
FEDERAL	(		-0-)	-0-)
OTHER	(		65,800)	38,800)
SERVICE	(		565,800)	495,800)
SEGREGATED FUNDS			58,854,000	59,011,800
FEDERAL	(		8,227,300)	8,227,200)
OTHER	(		50,626,700)	50,784,600)
TOTAL-ALL SOURCES			75,190,100	76,857,400
(2) ENVIRONMENTAL STANDARDS				
(ag) Water resources management --withdrawal regulation	PR	A	140,200	122,600
(aq) Water resources management--lake and river management	SEG	A	872,800	875,900
(bL) Wastewater management--fees	PR	C	408,200	408,200
(ci) Air management--permit review and enforcement	PR	A	620,100	622,500

89 WisACT 31

- 118 -

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
(cj) Air management -- acid deposition activities	PR	A	354,000	354,000
(cq) Air manage.--motor vehicle emission inspec. and maint. program, state funds	SEG	A	38,900	38,900
(da) Solid waste management -- yard waste publicity	GPR	B	15 0 ,000	-0- Vetoed in Part
(dg) Solid waste management--solid and hazardous waste disposal administration	PR	C	1,324,700	1,324,700
(dh) Solid waste management--gifts and grants	PR	C	-0-	-0-
(dj) Waste tire removal and recovery programs; program activities	PR	C	2,775,000	2,775,000
(dL) Waste tire removal and recovery programs; administration	PR	A	192,400	194,500
(dq) Solid waste management--waste management fund	SEG	C	-0-	-0-
(ds) Solid waste mgt.--closure, long-term care & corr. action; imminent hazard	SEG	C	-0-	-0-
(dt) Solid waste management--closure and long-term care	SEG	C	-0-	-0-
(dv) Solid waste management--environmental repair; spills; abandoned containers	SEG	C	4,261,700	4,261,700
(dw) Solid waste management--environmental repair; petroleum spills; admin.	SEG	A	79,900	88,900
(dx) Solid waste management--environmental repair; federal funds	SEG-F	C	421,100	415,200
(dy) Solid waste mgt.--corrective action; proofs of financial responsibility	SEG	C	-0-	-0-
(dz) Solid waste mgt.--corr. action;moneys recovered from assess.& legal action	SEG	C	-0-	-0-
(fj) Environmental quality--laboratory certification	PR	A	150,200	150,200
(fq) Environmental reimbursement and compensation	SEG	C	136,000	136,000
(gh) Mining--mining regulation and administration	PR	A	20,000	20,000
(gr) Mining--investment and local impact fund; long-term care	SEG	C	-0-	-0-
(gs) Mining--investment and local impact fund; environmental repair	SEG	C	-0-	-0-
(jc) Debt service -- environmental repair	GPR	S	-0-	269,900
(ma) General program operations--state funds	GPR	A	-0-	-0-
Water resources management	GPR	A	3,211,700	3,367,200
Wastewater management	GPR	A	3,281,900	3,304,000
Air management	GPR	A	3,238,600	3,293,100
Solid waste management	GPR	A	2,207,000	2,207,000

- 119 -

89 WisACT 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
Water supply management	GPR	A	1,419,700	1,432,100
Technical services	GPR	A	758,900	758,900
NET APPROPRIATION			14,117,800	14,362,300
(mb) General fund supplement to environmental fund; groundwater management	GPR	A	866,800	866,800
(md) General fund supplement to environmental fund; environmental repair	GPR	A	850,000	850,000
(mi) General program operations-- aquatic nuisance control	PR	C	60,000	60,000
(mk) General program operations-- service funds	PR-S	C	5,000	5,000
(mm) General program operations-- federal funds	PR-F	C	-0-	-0-
Water resources management	PR-F	C	1,837,300	1,498,100
Wastewater management	PR-F	C	1,008,700	1,001,200
Air management	PR-F	C	1,734,800	1,729,600
Solid waste management	PR-F	C	1,567,100	1,579,400
Water supply management	PR-F	C	1,029,900	1,038,800
NET APPROPRIATION			7,177,800	6,847,100
(mq) General program operations -- environmental fund	SEG	A	2,690,900	2,719,200
(mt) General program operations -- clean water fund program; state funds	SEG	A	711,500	671,100
(mx) General program operations -- clean water fund program; federal funds	SEG-F	C	-0-	-0-
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			15,984,600	16,349,000
PROGRAM REVENUE			13,227,600	12,883,800
FEDERAL	(		7,177,800)	(6,847,100)
OTHER	(		6,044,800)	(6,031,700)
SERVICE	(		5,000)	(5,000)
SEGREGATED FUNDS			9,212,800	9,206,900
FEDERAL	(		421,100)	(415,200)
OTHER	(		8,791,700)	(8,791,700)
TOTAL-ALL SOURCES			38,425,000	38,439,700
(3) ENFORCEMENT				
(aq) Law enforcement--snowmobile enforcement and safety training	SEG	A	290,400	290,400
(ar) Law enforcement--boat enforcement and safety training	SEG	A	871,300	871,300
(as) Law enforcement--all-terrain vehicle enforcement	SEG	A	95,700	86,600
(aw) Law enforcement -- car kill deer	SEG	A	115,000	125,000
(ay) Law enforcement -- car kill deer; transportation fund	SEG	A	115,000	125,000
(bh) Water regulation and zoning-- dam inspections and safety administration	PR	A	-0-	-0-
(dg) Environmental impact-- consultant services; printing and postage costs	PR	C	-0-	-0-
(di) Environmental consulting				

89 WisACT 31

- 120 -

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
costs--federal power projects	PR	A	187,000	223,400
(ma) General program operations--state funds	GPR	A	4,469,300	4,456,100
(mg) Water resources management -- withdrawal enforcement	PR	A	49,600	49,600
(mk) General program operations--service funds	PR-S	C	38,400	39,000
(mm) General program operations--federal funds	PR-F	C	337,800	333,800
(mq) General program operations -- environmental fund	SEG	A	126,800	137,000
(mu) General program operations--state funds	SEG	A	8,685,300	8,685,300
(my) General program operations--federal funds	SEG-F	C	856,300	853,600
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			4,469,300	4,456,100
PROGRAM REVENUE			612,800	645,800
FEDERAL	(		337,800)	333,800)
OTHER	(		236,600)	273,000)
SERVICE	(		38,400)	39,000)
SEGREGATED FUNDS			11,155,800	11,174,200
FEDERAL	(		856,300)	853,600)
OTHER	(		10,299,500)	10,320,600)
TOTAL-ALL SOURCES			16,237,900	16,276,100
(4) LOCAL SUPPORT				
(am) Resource aids--national forest income aids	PR-F	C	770,000	770,000
(an) Resource aids--payment in lieu of taxes; federal	PR-F	C	440,000	440,000
(aq) Resource aids--Canadian agencies migratory waterfowl aids	SEG	C	78,700	78,700
(ar) Res. aids--county forests, forest croplands and managed forest land aids	SEG	A	1,055,700	1,073,500
(as) Resource aids--county conservation aids	SEG	A	70,000	70,000
(at) Resource aids--county forest loans	SEG	A	640,200	622,400
(au) Resource aids -- forest croplands and managed forest land aids	SEG	A	1,250,000	1,250,000
(bb) Recreation aids -- fish rearing ponds	GPR	A	125,000	125,000
(bq) Recreation aids--fish, wildlife and forestry recreation aids	SEG	A	-0-	-0-
(br) Recreation aids--badger fund	SEG	C	-0-	-0-
(bs) Recreation aids--county snowmobile trail and area aids	SEG	C	1,012,500	1,012,500
(bt) Recreation aids--snowmobile trail areas; snowmobile formula	SEG	C	1,573,500	1,580,100
(bu) Recreation aids -- recreational boating projects	SEG	C	3,503,500	3,800,000
(bv) Recreation aids--motorcycle recreation aids; trails	SEG	A	197,500	197,500

- 121 -

89 WisACT 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
(bx) Recreation and resource aids, federal funds	SEG-F	C	183,900	183,900
(by) Recreation aids--all-terrain vehicle project aids	SEG	C	125,000	125,000
(bz) Recreation aids--all-terrain vehicle project aids; transportation fund	SEG	C	192,900	205,300
(ca) Environmental aids--point source; prior to bonding and small projects	GPR	A	53,300	53,300
(cc) Environmental aids -- nonpoint source; general fund	GPR	C	-0-	4,825,300
(cd) Environmental aids--household hazardous waste	GPR	A	50,000	50,000
(ce) Environ. aids--waste reduction & recycling demonstration & develop. grants	GPR	C	50,000	50,000
(cf) Environmental aids--private sewage system replacement and rehabilitation	GPR	A	3,700,000	3,700,000
(cj) Environmental aids--waste reduction and recycling grants and gifts	PR	C	-0-	-0-
(cm) Environmental aids--federal funds	PR-F	C	900,000	900,000
(cq) Environmental aids -- clean water fund revenue obligation funding	SEG	C	-0-	-0-
(cr) Environmental aids -- clean water fund repayment of revenue obligations	SEG	S	-0-	-0-
(cs) Environmental aids -- clean water fund financial assistance	SEG	S	-0-	-0-
(cu) Environmental aids--lake management planning grants	SEG	C	200,000	450,000
(cv) Environmental aids-- compensation for well contamination	SEG	C	155,000	155,000
(da) Environmental planning aids-- local water quality planning	GPR	A	217,800	217,800
(dd) Environmental aids --scenic urban waterways	GPR	C	150,000	50,000
(dn) Environmental planning aids-- federal funds	PR-F	C	100,000	100,000
(ea) Aids in lieu of taxes	GPR	S	869,500	898,900
(eq) Aids in lieu of taxes	SEG	S	1,051,100	1,077,400
(fq) Enforcement aids--boating enforcement	SEG	A	500,000	550,000
(ft) Enforcement aids-- snowmobiling enforcement	SEG	A	125,000	125,000
(fu) Enforcement aids--all-terrain vehicle enforcement	SEG	A	22,000	22,000
(fy) Enforcement aids--federal funds	SEG-F	C	-0-	-0-
(ga) Enforcement aids-- spearfishing enforcement aids	GPR	C	600,000	200,000
(gk) Enforcement aids-- spearfishing enforcement;				

89 WisACT 31

- 122 -

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
program revenue	PR	C	174,800	193,600
(gm) Enforcement aids -- spearfishing enforcement; federal funds	SEG-F	C	-0-	-0-
(gq) Wildlife damage claims and abatement	SEG	C	943,200	951,800
(hb) Youth and education programs -- state funds	GPR	A	554,100	554,100
(hm) Youth and education programs -- federal funds	PR-F	C	-0-	-0-
(hq) Youth and education programs -- conservation fund	SEG	A	310,300	310,300
(ia) Aids administration--general program operations, state funds	GPR	A	380,800	380,800
(im) Aids administration--general program operations, federal funds	PR-F	C	341,200	291,600
(iq) Aids administration-- all-terrain vehicle recreation	SEG	A	14,100	8,300
(ir) Aids administration -- motorcycle recreation	SEG	A	32,300	32,300
(is) Aids administration-- snowmobile recreation	SEG	A	95,200	93,300
(it) Aids administration--wildlife damage claims and abatement	SEG	A	36,300	36,300
(iu) Aids administration--general program operations, state funds	SEG	A	375,900	375,900
(iv) Aids administration--clean water fund program; state funds	SEG	A	1,162,500	601,900
(ix) Aids administration -- clean water fund program; federal funds	SEG-F	C	379,500	1,083,600
(iy) Aids administration--general program operations, federal funds	SEG-F	C	50,000	50,000
(jb) Principal repayment and interest -- recreational boating bonds	GPR	S	112,200	119,700
(jc) Principal repayment and interest -- pollution abatement bonds	GPR	S	70,703,400	81,372,900
(jd) Principal repay. & int. -- combined sewer overflow; pollution abate. bonds	GPR	S	10,406,200	15,151,800
(jq) Principal repayment and interest -- clean water fund bonds	SEG	A	-0-	-0-
(jr) Principal repayment & int. -- clean water fund revenue obligation repayment	SEG	C	-0-	-0-
(ka) Environmental aids -- clean water fund; general fund	GPR	A	-0-	-0-
(kb) Environmental aids -- Menomonee river conservation project	GPR	B	500,000	-0-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91	
(kc) Environmental aids -- municipal water supply technology	GPR	B	250,000	-0-	
(kd) Environmental aids -- toxic metal by-products	GPR	B	50,000	-0-	
(ke) Environmental aids -- wastewater treatment facility expansion	GPR	B	200,000	-0-	Vetoed in Part
(kf) Environmental aids -- radium removal grants	GPR	B	30,000	-0-	Vetoed in Part
(Lq) Recreation aids -- state park building restoration	SEG	C	50,000	-0-	
(ma) General fund supplement to clean water fund	GPR	A	1,874,000	662,500	
(na) Environmental aids -- flood control techniques	GPR	B	150,000	0	Vetoed in Part
(4) P R O G R A M T O T A L S					
GENERAL PURPOSE REVENUES			91,016,300	108,412,100	
PROGRAM REVENUE			2,726,000	2,695,200	
FEDERAL	(		2,551,200)	(2,501,600)	
OTHER	(		174,800)	(193,600)	
SEGREGATED FUNDS			15,385,800	16,122,000	
FEDERAL	(		613,400)	(1,317,500)	
OTHER	(		14,772,400)	(14,804,500)	
TOTAL-ALL SOURCES			109,128,100	127,229,300	
(8) ADMINISTRATIVE SERVICES					
(ba) Facilities -- general fund	GPR	C	134,400	134,400	
(br) Facilities -- conservation fund	SEG	C	362,900	346,200	
(dq) Snowmobile registration	SEG	A	148,300	148,300	
(dr) Boat registration	SEG	A	582,700	582,700	
(ds) All-terrain vehicle administration	SEG	A	65,300	81,000	
(ez) Boat titling--administrative support; federal funds	SEG-F	C	-0-	-0-	
(iq) Natural resources magazine	SEG	C	529,100	529,100	
(ir) Promotional activities and publications	SEG	C	-0-	-0-	
(Lb) Administrative facilities-- principal repayment and interest	GPR	S	375,700	379,700	
(Ls) Administrative facilities-- principal repayment and interest	SEG	S	407,800	410,700	
(Lu) Rental property--maintenance	SEG	C	-0-	-0-	
(ma) General program operations-- state funds	GPR	A	8,331,900	8,289,300	
(mk) General program operations-- service funds	PR-S	C	993,500	993,500	
(mn) Indirect cost reimbursements	PR-F	C	2,699,300	2,699,300	
(mt) General program operations-- service funds	SEG-S	C	51,300	51,300	
(mu) General program operations-- state funds	SEG	A	14,638,300	14,674,600	
(mv) General program operations -- environmental fund	SEG	A	181,300	181,300	
(mz) Indirect cost reimbursements	SEG-F	C	1,166,400	1,166,400	
(8) P R O G R A M T O T A L S					
GENERAL PURPOSE REVENUES			8,842,000	8,803,400	

89 WisACT 31

- 124 -

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
PROGRAM REVENUE			3,692,800	3,692,800
FEDERAL	(		2,699,300)	(2,699,300)
SERVICE	(		993,500)	(993,500)
SEGREGATED FUNDS			18,133,400	18,171,600
FEDERAL	(		1,166,400)	(1,166,400)
OTHER	(		16,915,700)	(16,953,900)
SERVICE	(		51,300)	(51,300)
TOTAL-ALL SOURCES			30,668,200	30,667,800
20.370 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			136,016,700	155,331,600
PROGRAM REVENUE			20,890,800	20,452,200
FEDERAL	(		12,766,100)	(12,381,800)
OTHER	(		6,522,000)	(6,537,100)
SERVICE	(		1,602,700)	(1,533,300)
SEGREGATED FUNDS			112,741,800	113,686,500
FEDERAL	(		11,284,500)	(11,979,900)
OTHER	(		101,406,000)	(101,655,300)
SERVICE	(		51,300)	(51,300)
TOTAL-ALL SOURCES			269,649,300	289,470,300

20.395 Transportation, department of

(1) Aids

(aq) Transportation aids, state funds	SEG	A	211,326,400	223,491,600
(ar) Corrections of transportation aid payments	SEG	S	-0-	-0-
(as) Reimbursement for Valders, state funds	SEG	A	29,000	-0-
(at) Reimbursement for Bear Creek, state funds	SEG	A	10,000	-0-
(bq) Transit operating aids, state funds	SEG	A	47,276,100	51,017,200
(br) Milwaukee urban area rail transit system planning study; state funds	SEG	A	-0-	-0-
(bt) Urban rail transit system grants	SEG	C	-0-	-0-
(bv) Transit aids, local funds	SEG-L	C	-0-	-0-
(bx) Transit aids, federal funds	SEG-F	C	2,100,000	2,100,000
(by) Employment transit aids, federal funds	SEG-F	C	-0-	-0-
(bz) Employment transit aids, federal oil overcharge funds	SEG-F	C	215,000	385,000
(cq) Elderly and handicapped capital aids, state funds	SEG	A	658,100	677,800
(cr) Elderly and handicapped county aids, state funds	SEG	A	4,077,400	4,199,700
(cv) Elderly and handicapped aids, local funds	SEG-L	C	253,800	253,800
(cx) Elderly and handicapped aids, federal funds	SEG-F	C	630,000	630,000
(dq) Scheduled air passenger service assistance aid, state funds	SEG	C	-0-	-0-
(ex) Highway safety, local assistance, federal funds	SEG-F	C	1,700,000	1,700,000
(fq) Connecting highways aids, state funds	SEG	A	9,693,000	10,033,400
(fr) Flood damage aids, state funds	SEG	C	500,000	500,000

-125-

89 WisACT 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
(ft) Lift bridge aids, state funds	SEG	B	1,100,000	1,400,000
(fu) County forest road aids, state funds	SEG	A	130,500	130,500
(gq) Expressway policing aids, state funds	SEG	A	696,800	729,500
(1) P R O G R A M T O T A L S				
SEGREGATED FUNDS			280,396,100	297,248,500
FEDERAL	(		4,645,000)	(4,815,000)
OTHER	(		275,497,300)	(292,179,700)
LOCAL	(		253,800)	(253,800)
TOTAL-ALL SOURCES			280,396,100	297,248,500
(2) LOCAL TRANSPORTATION ASSISTANCE				
(aq) Accelerated local bridge improvement assistance, state funds	SEG	C	1,537,500	-0-
(av) Accelerated local bridge improvement assistance, local funds	SEG-L	C	512,500	-0-
(ax) Accelerated local bridge improvement assistance, federal funds	SEG-F	C	-0-	-0-
(bq) Railroad facilities acquisition and railroad rehabilitation, state funds	SEG	C	4,710,000	4,710,000
(bv) Railroad facilities acquisition and railroad rehabilitation, local funds	SEG-L	C	-0-	-0-
(bx) Railroad facilities acquisition and railroad rehabilitation, federal funds	SEG-F	C	50,000	50,000
(by) Amtrak service demonstration project, state funds	SEG	B	615,000	505,000
(cq) Harbor assistance grants, state funds	SEG	C	500,000	500,000
(dq) Local airport development, state funds	SEG	C	6,746,700	6,746,700
(dv) Local airport development, local funds	SEG-L	C	3,046,100	3,046,100
(dx) Local airport development, federal funds	SEG-F	C	17,000,000	17,000,000
(eq) Highway and local bridge improvement assistance, state funds	SEG	C	13,506,000	15,366,700
(ev) Local bridge improvement assistance, local funds	SEG-L	C	6,994,700	7,344,500
(ex) Local bridge improvement assistance, federal funds	SEG-F	C	13,921,100	14,011,200
(fv) Local highway improvement assistance, local funds	SEG-L	C	7,386,400	8,138,600
(fx) Local highway improvement assistance, federal funds	SEG-F	C	24,174,500	24,985,300
(gq) Railroad crossing improvement and protection assistance, state funds	SEG	A	2,531,500	2,575,000
(gs) Railroad crossing repair assistance, state funds	SEG	C	250,000	250,000
(gv) Railroad crossing improvement, local funds	SEG-L	C	-0-	-0-
(gx) Railroad crossing				

89 WisACT 31

- 126 -

STATUTE, AGENCY AND PURPOSE	SOURCE TYPE	1989-90	1990-91
improvement, federal funds	SEG-F C	1,849,300	1,849,300
(hq) Transit corridor study			
grants , state funds	SEG C	1,900,000	-0-
(iq) Transportation facilities			Vetoed in Part
economic assistance and			
development, state funds	SEG C	3,000,000	3,000,000
(iv) Transportation facilities			
economic assistance and			
development, local funds	SEG-L C	3,000,000	3,000,000
(ix) Transportation facilities			
economic assistance &			
development, federal funds	SEG-F C	-0-	-0-
(2) P R O G R A M T O T A L S			
SEGREGATED FUNDS		113,231,300	113,078,400
FEDERAL	(	56,994,900)	(57,895,800)
OTHER	(	35,296,700)	(33,653,400)
LOCAL	(	20,939,700)	(21,529,200)
TOTAL-ALL SOURCES		113,231,300	113,078,400
(3) STATE HIGHWAY FACILITIES			
(bq) Major highway development,			
state funds	SEG C	23,824,100	15,422,900
(bv) Major highway development,			
local funds	SEG-L C	-0-	-0-
(bx) Major highway development,			
federal funds	SEG-F C	27,208,300	28,568,700
(cq) Existing highway improvement,			
state funds	SEG C	107,291,000	116,613,900
(cv) Existing highway improvement,			
local funds	SEG-L C	1,510,000	1,510,000
(cx) Existing highway improvement,			
federal funds	SEG-F C	61,312,600	56,631,500
(dq) Improvement of state bridges,			
state funds	SEG C	19,222,100	20,026,400
(dv) Improvement of state bridges,			
local funds	SEG-L C	490,000	490,000
(dx) Improvement of state bridges,			
federal funds	SEG-F C	14,782,600	15,186,000
(eq) General and winter highway			
maintenance and repair, state			
funds	SEG B	77,816,300	80,567,800
(ev) General and winter highway			
maintenance and repair, local			
funds	SEG-L C	250,000	250,000
(ex) General and winter highway			
maintenance and repair,			
federal funds	SEG-F C	-0-	-0-
(fq) Special highway maintenance,			
state funds	SEG C	40,151,600	41,570,700
(fv) Special highway maintenance,			
local funds	SEG-L C	-0-	-0-
(fx) Special highway maintenance,			
federal funds	SEG-F C	-0-	-0-
(gq) Interstate construction and			
rehabilitation, state funds	SEG C	10,216,100	10,573,800
(gv) Interstate construction and			
rehabilitation, local funds	SEG-L C	-0-	-0-
(gx) Interstate construction and			
rehabilitation, federal funds	SEG-F C	57,901,600	59,917,900
(hq) Highway traffic operations,			

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
state funds	SEG	B	16,328,800	16,622,700
(hv) Highway traffic operations, local funds	SEG-L	C	-0-	-0-
(hx) Highway traffic operations, federal funds	SEG-F	C	150,000	150,000
(iq) General program operations, highways, state funds	SEG	A	13,134,000	12,748,500
(ir) Disadvantaged business mobilization assistance, state funds	SEG	C	-0-	-0-
(iv) General program operations, highways, local funds	SEG-L	C	-0-	-0-
(ix) General program operations, highways, federal funds	SEG-F	C	1,398,900	1,398,900
(3) PROGRAM TOTALS				
SEGREGATED FUNDS			472,988,000	478,249,700
FEDERAL	(		162,754,000)	(161,853,000)
OTHER	(		307,984,000)	(314,146,700)
LOCAL	(		2,250,000)	(2,250,000)
TOTAL-ALL SOURCES			472,988,000	478,249,700
(4) GENERAL TRANSPORTATION OPERATIONS				
(aq) Departmental management and operations, state funds	SEG	A	32,446,300	33,148,900
(av) Departmental management and operations, local funds	SEG-L	C	108,200	108,200
(ax) Departmental management and operations, federal funds	SEG-F	C	3,663,000	3,663,000
(ch) Gifts and grants	PR	C	-0-	-0-
(er) Fleet operations, service funds	SEG-S	C	8,666,200	9,636,800
(es) Other department services, operations, service funds	SEG-S	C	1,239,200	1,239,200
(et) Service center supplements, state funds	SEG	A	-0-	-0-
(4) PROGRAM TOTALS				
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	(-0-)
SEGREGATED FUNDS			46,122,900	47,796,100
FEDERAL	(		3,663,000)	(3,663,000)
OTHER	(		32,446,300)	(33,148,900)
SERVICE	(		9,905,400)	(10,876,000)
LOCAL	(		108,200)	(108,200)
TOTAL-ALL SOURCES			46,122,900	47,796,100
(5) MOTOR VEHICLE SERVICES AND ENFORCEMENT				
(cj) Vehicle registration, license plate scholarship programs, state funds	PR	C	-0-	-0-
(cq) Vehicle reg., inspection & maintenance & driver licensing, state funds	SEG	A	47,859,800	48,559,200
(cr) Fuel tax reporting -- program development; state funds	SEG	C	-0-	-0-
(cx) Vehicle registration and driver licensing, federal funds	SEG-F	C	299,800	299,800
(dq) Vehicle inspection and traffic enforcement, state funds	SEG	A	29,891,600	30,239,100
(dx) Vehicle inspection and				

89 WisACT 31

-128-

STATUTE, AGENCY AND PURPOSE	SOURCE TYPE	1989-90	1990-91
traffic enforcement, federal funds	SEG-F C	1,469,500	1,478,300
(hq) Motor veh. emission insp. and maint. program, contractor costs, state funds	SEG A	7,700,000	7,750,000
(hx) Motor vehicle emission inspection and maintenance programs, federal funds	SEG-F C	-0-	-0-
(iv) Municipal and county registration fee, local funds	SEG-L C	-0-	-0-
(5) PROGRAM TOTALS		-0-	-0-
PROGRAM REVENUE		-0-	-0-
OTHER	(	-0-)	-0-)
SEGREGATED FUNDS		87,220,700	88,326,400
FEDERAL	(	1,769,300)	1,778,100)
OTHER	(	85,451,400)	86,548,300)
LOCAL	(	-0-)	-0-)
TOTAL-ALL SOURCES		87,220,700	88,326,400
(6) DEBT SERVICES			
(aq) Principal repayment and interest, transportation facilities, state funds	SEG S	20,367,900	19,729,600
(ar) Principal repayment and interest, buildings, state funds	SEG S	808,700	799,100
(as) Transportation facilities and highway projects revenue obligation repayment	SEG C	-0-	-0-
(6) PROGRAM TOTALS		21,176,600	20,528,700
SEGREGATED FUNDS		21,176,600	20,528,700
OTHER	(	21,176,600)	20,528,700)
TOTAL-ALL SOURCES		21,176,600	20,528,700
(7) OFFICE OF THE COMMISSIONER OF TRANSPORTATION			
(aq) Transportation regulation and general program operations	SEG A	966,000	966,000
(ax) Transportation regulation and general program operations, federal funds	SEG-F C	-0-	-0-
(7) PROGRAM TOTALS		966,000	966,000
SEGREGATED FUNDS		966,000	966,000
FEDERAL	(	-0-)	-0-)
OTHER	(	966,000)	966,000)
TOTAL-ALL SOURCES		966,000	966,000
20.395 DEPARTMENT TOTALS			
PROGRAM REVENUE		-0-	-0-
OTHER	(	-0-)	-0-)
SEGREGATED FUNDS		1,022,101,600	1,046,193,800
FEDERAL	(	229,826,200)	230,004,900)
OTHER	(	758,818,300)	781,171,700)
SERVICE	(	9,905,400)	10,876,000)
LOCAL	(	23,551,700)	24,141,200)
TOTAL-ALL SOURCES		1,022,101,600	1,046,193,800
20.399 Wisconsin conservation corps board			
(1) CORPS ENROLLEE SUPPORT			
(a) Corps enrollee compensation and support; general program operations	GPR C	2,732,100	2,695,900
(j) Corps enrollee compensation and support; sponsor			

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
contribution	PR	C	15,000	15,000
(k) Corps enrollee compensation and support; service funds	PR-S	C	503,700	503,700
(m) Corps enrollee compensation and support; federal funds	PR-F	C	-0-	-0-
(q) Corps enrollee compensation and support; conservation fund	SEG	C	-0-	-0-
(r) Corps enrollee compensation and support; transportation fund	SEG	C	277,400	277,400
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			2,732,100	2,695,900
PROGRAM REVENUE			518,700	518,700
FEDERAL	(		-0-)	(-0-)
OTHER	(		15,000)	(15,000)
SERVICE	(		503,700)	(503,700)
SEGREGATED FUNDS			277,400	277,400
OTHER	(		277,400)	(277,400)
TOTAL-ALL SOURCES			3,528,200	3,492,000
(2) ADMINISTRATION				
(a) Administrative support; general program operations	GPR	A	142,800	143,000
(j) Administrative support; sponsor contribution	PR	C	-0-	-0-
(k) Conservation corps -- administrative support; service funds	PR-S	C	-0-	-0-
(m) Administrative support; federal funds	PR-F	C	-0-	-0-
(q) Administrative support; conservation fund	SEG	A	297,700	297,700
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			142,800	143,000
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	(-0-)
OTHER	(		-0-)	(-0-)
SERVICE	(		-0-)	(-0-)
SEGREGATED FUNDS			297,700	297,700
OTHER	(		297,700)	(297,700)
TOTAL-ALL SOURCES			440,500	440,700
(3) GIFTS AND RELATED SUPPORT				
(g) Gifts and related support	PR	C	-0-	-0-
(3) PROGRAM TOTALS				
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-
2003 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			2,874,900	2,838,900
PROGRAM REVENUE			518,700	518,700
FEDERAL	(		-0-)	(-0-)
OTHER	(		15,000)	(15,000)
SERVICE	(		503,700)	(503,700)
SEGREGATED FUNDS			575,100	575,100
OTHER	(		575,100)	(575,100)
TOTAL-ALL SOURCES			3,968,700	3,932,700
Environmental Resources				
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			139,092,700	158,379,400

89 WisACT 31

- 130 -

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
PROGRAM REVENUE			21,409,500	20,970,900
FEDERAL	(		12,766,100)	(12,381,800)
OTHER	(		6,537,000)	(6,552,100)
SERVICE	(		2,106,400)	(2,037,000)
SEGREGATED FUNDS			1,135,418,500	1,160,455,400
FEDERAL	(		241,110,700)	(241,984,800)
OTHER	(		860,799,400)	(883,402,100)
SERVICE	(		9,956,700)	(10,927,300)
LOCAL	(		23,551,700)	(24,141,200)
TOTAL-ALL SOURCES			1,295,920,700	1,339,805,700

Human Relations and Resources

20.410 Corrections, department of

(1) CORRECTIONAL SERVICES

(a) General program operations	GPR	A	-0-	-0-
(aa) Institutional repair and maintenance	GPR	A	-0-	-0-
(ab) Intergovernmental corrections agreements	GPR	A	-0-	-0-
(am) Juvenile correctional services	GPR	A	-0-	-0-
(b) Community corrections operations	GPR	A	-0-	-0- Vetoed in Part
(c) Reimbursement claims of counties containing state institutions	GPR	S	-0-	-0-
(d) Purchased services for offenders	GPR	A	-0-	-0-
(dd) Special living arrangements	GPR	A	-0-	-0-
(e) Principal repayment and interest	GPR	S	-0-	-0-
(ec) Prison industries principal, interest and rebates	GPR	S	-0-	-0-
(ef) Lease rental payments	GPR	S	-0-	-0-
(f) Utilities, fuel, heating and cooling	GPR	A	-0-	-0-
(g) Probationer and parolee loan fund	PR	A	-0-	-0-
(gb) Drug testing	PR	C	-0-	-0-
(gg) Supervision of defendants and offenders	PR	A	-0-	-0-
(gm) Sale of fuel and utility service	PR	A	-0-	-0-
(h) Administration of restitution	PR	A	-0-	-0-
(hm) Juvenile correctional services	PR	A	-0-	-0-
(i) Gifts and grants	PR	C	-0-	-0-
(j) State-owned housing maintenance	PR	A	-0-	-0-
(jp) Correctional officer training	PR	A	-0-	-0-
(kk) Institutional operations and charges	PR-S	A	-0-	-0-
(km) Prison industries	PR-S	A	-0-	-0-
(ko) Prison industries principal repayment, interest and rebates	PR-S	S	-0-	-0-
(kx) Interagency and intra-agency programs	PR-S	C	-0-	-0-
(ky) Interagency and intra-agency				

-131-

89 WisACT 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
aids	PR-S	C	-0-	-0-
(kz) Interagency and intra-agency local assistance	PR-S	C	-0-	-0-
(m) Federal project operations	PR-F	C	-0-	-0-
(n) Federal program operations	PR-F	C	-0-	-0-
(o) Federal aid; foster care	PR-F	C	-0-	-0-
20.410 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	-0-)
OTHER	(		-0-)	-0-)
SERVICE	(		-0-)	-0-)
TOTAL-ALL SOURCES			-0-	-0-
20.425 Employment relations commission				
(1) PROMOTION OF PEACE IN LABOR RELATIONS				
(a) General program operations	GPR	A	2,189,500	2,213,900
(g) Publications	PR	A	28,300	28,300
(h) Arbitration training	PR	C	-0-	-0-
20.425 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			2,189,500	2,213,900
PROGRAM REVENUE			28,300	28,300
OTHER	(		28,300)	28,300)
TOTAL-ALL SOURCES			2,217,800	2,242,200
20.432 Board on aging and long-term care				
(1) IDENTIFICATION OF THE NEEDS OF THE AGED AND DISABLED				
(a) General program operations	GPR	A	326,800	322,800
(i) Gifts and grants	PR	C	-0-	-0-
(k) Contracts with state agencies	PR-S	A	70,400	70,400
(kb) Insurance and other information, counseling and assistance	PR-S	A	77,100	77,100
(m) Federal aid	PR-F	C	-0-	-0-
20.432 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			326,800	322,800
PROGRAM REVENUE			147,500	147,500
FEDERAL	(		-0-)	-0-)
OTHER	(		-0-)	-0-)
SERVICE	(		147,500)	147,500)
TOTAL-ALL SOURCES			474,300	470,300
20.433 Child abuse and neglect prevention board				
(1) PREVENTION OF CHILD ABUSE AND NEGLECT				
(a) Early childhood family education center grants; general program operations	GPR	A	45,500	60,100
(b) Early childhood family education center grants	GPR	A	250,000	400,000
(g) General program operations	PR	A	140,100	102,800
(h) Grants to organizations	PR	C	556,600	556,600
(m) Federal project operations	PR-F	C	-0-	-0-
(ma) Federal project aids	PR-F	C	-0-	-0-
(q) Children's trust fund grants	SEG	C	-0-	-0-
(r) Children's trust fund; general program operations and statewide projects	SEG	A	-0-	-0-
20.433 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			295,500	460,100
PROGRAM REVENUE			696,700	659,400
FEDERAL	(		-0-)	-0-)

89 WisACT 31

- 132 -

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
OTHER	(		696,700)	(659,400)
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			992,200	1,119,500

20.434 Adolescent pregnancy prevention and pregnancy services board

(1) ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES				
(a) General program operations	GPR	A	84,900	84,900
(b) Grants to organizations	GPR	A	461,800	461,800
20.434 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			546,700	546,700
TOTAL-ALL SOURCES			546,700	546,700

20.435 Health and social services, department of

(1) HEALTH SERVICES PLANNING, REGULATION AND DELIVERY				
(a) General program operations	GPR	A	21,111,900	21,530,200
(ak) Continuation coverage premium subsidies	GPR	B	100,000	200,000
(am) Acquired immunodeficiency syndrome services	GPR	A	744,000	876,000
(ar) AZT and pentamidine reimbursement	GPR	A	43,400	57,900
(b) Medical assistance program benefits	GPR	B	571,461,400	607,713,000
(bm) Medical assistance administration	GPR	B	7,870,400	7,861,500
(cc) Cancer control and prevention	GPR	A	400,000	400,000
(cf) Rural cervical cancer treatment training	GPR	A	25,000	25,000
(cm) Immunization	GPR	A	660,000	660,000
(cr) Health care for migrant workers and families	GPR	A	50,000	50,000
(cu) Lyme disease project	GPR	B	50,000	-0-
(d) Facility appeals mechanism	GPR	A	546,800	546,800
(dm) Nursing home receivership supplement	GPR	S	-0-	-0-
(dr) Rural hospital loan program	GPR	A	500,000	500,000
(e) Disease aids	GPR	B	2,195,000	2,195,000
(ek) Health center renovation	GPR	A	250,000	0
(ed) Radon aids	GPR	A	30,000	30,000
(ef) Lead poisoning or lead-exposure services	GPR	A	359,200	470,000
(eg) Pregnancy counseling	GPR	A	275,000	275,000
(ek) Adolescent health services	GPR	B	90,000	0
(em) Supplemental food program for women, infants and children benefits	GPR	A	2,929,200	3,853,000
(es) Supplemental food program for women, infants and children administration	GPR	A	78,100	78,100
(ev) Pregnancy outreach	GPR	A	250,000	250,000
(f) Family planning	GPR	A	1,564,000	1,564,000
(fa) State health insurance pilot projects benefits	GPR	C	552,600	1,034,000
(fb) State health insurance pilot projects administration	GPR	C	191,500	388,500
(fg) Family health benefits counseling	GPR	A	25,000	185,000
(fm) Primary health care services	GPR	B	100,000	0
(fr) Preventive health screening	GPR	B	100,000	0

Vetoed
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-133-

89 WisACT 31

STATUTE, AGENCY AND PURPOSE

SOURCE TYPE

1989-90

1990-91

Vetoed
in Part

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1989-90	1990-91
For consideration		GPR	A	20,000	20,000
(g) Nursing facility resident protection	PR	A		-0-	-0-
(gm) Licensing and certifying activities	PR	A		3,517,300	3,591,700
(gp) Health care; aids	PR	C		1,479,700	1,479,700
(gq) Health care; operations	PR	A		183,200	183,200
(gr) Rural hospital loan program	PR	C		-0-	-0-
(hg) Assessments; office of health care information	PR	C		1,017,700	1,023,900
(hi) User fees; office of health care information	PR	C		-0-	-0-
(hj) Gifts and grants; office of health care information	PR	C		-0-	-0-
(i) Gifts and grants	PR	C		146,600	146,500
(j) Fees for services and supplies	PR	A		1,132,700	1,119,900
(ja) Congenital disorders; diagnosis, special dietary treatment and counseling	PR	A		663,700	663,700
(jb) Congenital disorders; operations	PR	A		16,200	16,200
(k) Nursing home receivership operations	PR-S	C		-0-	-0-
(km) Internal services	PR-S	A		1,348,900	1,349,100
(kx) Interagency and intra-agency programs	PR-S	C		712,500	500,700
(ky) Interagency and intra-agency aids	PR-S	C		1,263,100	1,268,400
(kz) Interagency and intra-agency local assistance	PR-S	C		-0-	-0-
(m) Federal project operations	PR-F	C		6,976,600	6,813,900
(ma) Federal project aids	PR-F	C		551,000	560,500
(mc) Block grant operations	PR-F	C		6,203,200	6,226,900
(md) Block grant aids	PR-F	C		12,530,500	12,530,500
(mr) Federal funds; office of health care information	PR-F	C		-0-	-0-
(n) Federal program operations	PR-F	C		12,891,400	13,285,400
(na) Federal program aids	PR-F	C		28,387,100	28,387,100
(o) Federal aid; medical assistance	PR-F	C		786,878,400	840,305,200
(p) Federal aid; medical assistance contracts administration	PR-F	C		14,813,400	14,574,900
(q) Groundwater--standards; implementation	SEG	A		192,000	187,000

(1) Facility repair and maintenance		SEG	A	500,000	500,000
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Vetoed
in Part

(1) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				612,472,500	650,763,000
PROGRAM REVENUE				880,713,200	934,027,400
FEDERAL	(			869,231,600)	(922,684,400)
OTHER	(			8,157,100)	(8,224,800)
SERVICE	(			3,324,500)	(3,118,200)
SEGREGATED FUNDS				692,000	687,000
OTHER	(			692,000)	(687,000)
TOTAL-ALL SOURCES				1,493,877,700	1,585,477,400

(2) CARE AND TREATMENT FACILITIES

(a) General program operations	GPR	A		30,613,000	27,343,500
(aa) Institutional repair and					

89 WisACT 31

-134-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
maintenance	GPR	A	455,700	463,700
(b) Wisconsin resource center	GPR	A	4,308,700	8,119,900
(ee) Principal repayment and interest	GPR	S	4,923,600	4,977,400
(ef) Lease rental payments	GPR	S	-0-	-0-
(f) Utilities, fuel, heating and cooling	GPR	A	1,438,200	1,504,500
(gk) Institutional operations and charges	PR	A	118,365,500	118,309,800
(i) Gifts and grants	PR	C	120,800	120,800
(kx) Interagency and intra-agency programs	PR-S	C	1,756,900	1,758,000
(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
(kz) Interagency and intra-agency local assistance	PR-S	C	-0-	-0-
(m) Federal project operations	PR-F	C	-0-	-0-
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			41,739,200	42,409,000
PROGRAM REVENUE			120,243,200	120,188,600
FEDERAL	(		-0-)	(-0-)
OTHER	(		118,486,300)	(118,430,600)
SERVICE	(		1,756,900)	(1,758,000)
TOTAL-ALL SOURCES			161,982,400	162,597,600
(3) CORRECTIONAL SERVICES				
(a) General program operations	GPR	A	106,655,800	112,789,500
(aa) Institutional repair and maintenance	GPR	A	1,146,900	1,339,200
(ab) Intergovernmental corrections agreements	GPR	A	1,745,300	1,927,800
(am) Juvenile correctional services	GPR	A	115,700	118,600
(b) Community corrections operations	GPR	A	28,901,100	29,930,600
(c) Reimbursement claims of counties containing state institutions	GPR	S	106,100	106,100
(d) Purchased services for offenders	GPR	A	1,628,200	2,076,000
(dd) Special living arrangements	GPR	A	2,450,400	3,719,500
(e) Principal repayment and interest	GPR	S	16,022,200	19,713,500
(ec) Prison industries principal, interest and rebates	GPR	S	-0-	-0-
(ef) Lease rental payments	GPR	S	22,200	22,200
(f) Utilities, fuel, heating and cooling	GPR	A	5,264,500	5,692,400
(g) Probationer and parolee loan fund	PR	A	6,000	6,000
(gb) Drug testing	PR	C	38,900	38,900
(gg) Supervision of defendants and offenders	PR	A	23,300	23,300
(gm) Sale of fuel and utility service	PR	A	-0-	-0-
(h) Administration of restitution	PR	A	218,700	228,700
(hm) Juvenile correctional services	PR	A	20,756,100	20,592,600
(ho) Foster care	PR	A	2,737,800	2,819,900
(i) Gifts and grants	PR	C	31,300	33,400

Vetoed
in Part

-135-

89 WisAct 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
(j) State-owned housing maintenance	PR	A	30,600	30,600
(jp) Correctional officer training	PR	A	884,200	900,100
(kk) Institutional operations and charges	PR-S	A	3,951,000	4,335,900
(km) Prison industries	PR-S	A	8,474,400	8,785,200
(ko) Prison industries principal repayment, interest and rebates	PR-S	S	55,000	150,500
(kx) Interagency and intra-agency programs	PR-S	C	2,091,300	2,088,500
(ky) Interagency and intra-agency aids	PR-S	C	1,432,900	1,442,100
(kz) Interagency and intra-agency local assistance	PR-S	C	-0-	-0-
(m) Federal project operations	PR-F	C	233,100	233,100
(n) Federal program operations	PR-F	C	-0-	-0-
(o) Federal aid; foster care	PR-F	C	-0-	-0-
(3) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			164,058,400	177,435,400
PROGRAM REVENUE			40,964,600	41,708,800
FEDERAL	(		233,100)	(233,100)
OTHER	(		24,726,900)	(24,673,500)
SERVICE	(		16,004,600)	(16,802,200)
TOTAL-ALL SOURCES			205,023,000	219,144,200
(5) VOCATIONAL REHABILITATION SERVICES				
(a) General program operations	GPR	A	4,613,400	4,584,700
(bm) Purchased services for clients	GPR	A	4,413,300	4,950,300
(c) Enterprises for the blind	GPR	A	448,000	100,000
(d) Telecommunication aid for the hearing impaired	GPR	A	80,000	80,000
(e) Principal repayment and interest	GPR	S	23,600	24,300
(f) Grants for interpreters for hearing impaired	GPR	A	70,000	40,000
(gg) Contractual services	PR	C	-0-	-0-
(h) Supervised business enterprise program	PR	C	194,800	194,800
(hh) Interpreter services for hearing impaired	PR	A	130,000	130,000
(i) Gifts and grants	PR	C	52,000	52,000
(kx) Interagency and intra-agency programs	PR-S	C	86,200	72,300
(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
(kz) Interagency and intra-agency local assistance	PR-S	C	-0-	-0-
(m) Federal project operations	PR-F	C	765,100	761,500
(ma) Federal project aids	PR-F	C	968,500	945,300
(n) Federal program operations	PR-F	C	16,623,600	16,695,500
(na) Federal program aids	PR-F	C	16,609,800	18,140,400
(nL) Federal program local assistance	PR-F	C	-0-	-0-
(5) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			9,648,300	9,779,300
PROGRAM REVENUE			35,430,000	36,991,800
FEDERAL	(		34,967,000)	(36,542,700)
OTHER	(		376,800)	(376,800)

Vetoed
in Part

89 WisACT 31

- 136 -

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
SERVICE		(	86,200)	(72,300)
TOTAL-ALL SOURCES			45,078,300	46,771,100
(6) COMMUNITY SERVICES; STATE OPERATIONS				
(a) General program operations	GPR	A	20,352,200	20,689,700
(bg) Employment and training programs; administration	GPR	A	642,600	642,600
(br) Welfare reform studies	GPR	C	180,000	180,000
(cf) Foster and family-operated group home parent insurance and liability	GPR	A	87,900	87,900
(dg) State adoption center	GPR	A	65,000	65,000
(dh) Elder abuse awareness campaign	GPR	A	25,000	25,000
(dm) Community-based residential facility receivership supplement	GPR	S	-0-	-0-
(ga) Community-based residential facility receivership operations	PR	C	-0-	-0-
(gb) Alcohol and drug abuse initiatives	PR	C	-0-	-0-
(hm) Juvenile aftercare services	PR	A	265,500	527,000
(ho) Juvenile residential aftercare	GPR	A	-0-	-0-
(hx) Services for drivers, receipts	PR	A	-0-	-0-
(hz) Services for drivers, state operations	PR	A	93,400	93,400
(i) Gifts and grants	PR	C	69,000	69,000
(j) Child support; state operations	PR	C	255,900	310,400
(jb) Fees for mailings, computer services and publications	PR	C	130,000	140,000
(jj) Searches for birth parents and adoption record info.; foreign adoptions	PR	A	51,100	51,100
(jm) Administrative and support services	PR	A	608,500	703,500
(k) Professional training	PR-S	A	-0-	-0-
(km) Services for children outside departmental custody	PR-S	A	8,600	8,600
(kx) Interagency and intra-agency programs	PR-S	C	660,500	663,000
(L) Welfare fraud and error reduction; state operations	PR	A	581,500	589,700
(m) Federal project operations	PR-F	C	2,487,900	2,235,000
(mc) Federal block grant operations	PR-F	C	8,257,500	8,285,200
(n) Federal program operations	PR-F	C	34,553,500	35,561,800
(o) Federal aid; foster care	PR-F	C	-0-	-0-
(pm) Employment programs; administration	PR-F	C	823,500	837,800
(6) P R O G R A M			T O T A L S	
GENERAL PURPOSE REVENUES			21,352,700	21,690,200
PROGRAM REVENUE			48,846,400	50,075,500
FEDERAL	(		46,122,400)	(46,919,800)
OTHER	(		2,054,900)	(2,484,100)
SERVICE	(		669,100)	(671,600)
TOTAL-ALL SOURCES			70,199,100	71,765,700

-137-

89 WisACT 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91	
(7) COMMUNITY SERVICES; AIDS AND LOCAL ASSISTANCE					
(b) Community aids	GPR	A	178,468,500	191,545,800	
(bc) Grants for community programs	GPR	A	1,349,000	1,300,000	
(bd) Community options program and long-term support pilot projects	GPR	A	37,245,300	41,158,500	
(bf) Alzheimer's disease; training and information grants	GPR	A	200,000	200,000	
(bh) Community support program; grants	GPR	B	150,000	150,000	
(c) Independent living centers	GPR	A	490,500	538,700	
(ca) Three-quarters house funding	GPR	A	50,000	-0-	
(cb) Domestic abuse grants	GPR	A	2,219,800	2,418,100	
(cc) Shelter for homeless individuals and families	GPR	A	750,000	750,000	
(cd) Community youth and family aids	GPR	A	67,095,400	69,729,100	
(ce) Services for homeless individuals	GPR	C	331,000	331,000	
(cg) Guardianship grant program	GPR	A	250,000	250,000	
(ch) Incentives to establish paternity	GPR	A	113,600	113,600	
(cj) Reduction of paternity backlog	GPR	B	28,700	-0-	
(cl) Juvenile restitution and community service projects	GPR	A	200,000	200,000	Vetoed in Part
(cm) Child care expansion	GPR	B	2,000,000	-0-	
(cn) Child care for former recipients of aid to families with dependent children	GPR	B	1,236,600	1,385,500	Vetoed in Part
(co) Integrated service programs for children with severe disabilities	GPR	B	66,700	133,300	
(cr) State supplement to employment opportunity demonstration projects	GPR	A	250,000	250,000	
(d) Income maintenance payments to individuals	GPR	S	176,378,800	176,272,700	
(da) Reimbursements to local units of government	GPR	S	192,900	192,900	
(dc) Emergency assistance program	GPR	A	1,657,000	1,657,000	
(dd) State foster care and adoption services	GPR	A	3,671,700	4,260,900	
(de) Income maintenance county administration	GPR	A	23,319,800	23,851,700	
(df) Employment and training programs	GPR	B	10,829,200	11,343,400	Vetoed in Part
(dh) Programs for senior citizens	GPR	A	6,261,300	6,393,300	
(dj) Benefit specialist program	GPR	A	875,600	964,000	
(dl) Indian aids	GPR	A	201,600	201,600	
(dn) Food distribution start-up grants	GPR	A	100,000	100,000	
(dp) Food distribution administration	GPR	A	70,000	70,000	
(ds) Children-in-crisis	GPR	B	125,000	125,000	
(e) Relief of needy Indian persons	GPR	S	5,256,800	5,381,100	
(eb) General relief aid	GPR	A	22,026,900	22,578,900	
(ec) Aids for interest on county					

89 WisACT 31

- 138 -

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91	
construction loans	GPR	A	4,200	1,900	
(ed) State supplement to federal supplemental security income program	GPR	S	99,732,100	105,198,000	
(eg) Programs for adolescents and adolescent parents	GPR	A	1,211,300	1,211,300	Vetoed in Part
(eh) Early Intervention Program	GPR	A	100,000	100,000	
(er) Adolescent pregnancy prevention services	GPR	A	521,000	521,000	Vetoed in Part
(ew) Runaway services	GPR	A	50,000	100,000	
(g) Child support collections	PR	C	61,261,800	66,959,800	
(ga) Child support collections -- county administration	PR	C	77,400	77,400	
(gd) Halfway house revolving loan fund	PR	A	100,000	100,000	
(gg) Collection remittances to local units of government	PR	C	218,000	218,000	
(hh) Domestic abuse assessment	PR	A	100,000	100,000	
(hy) Services for drivers, local assistance	PR	A	5,007,900	5,382,900	
(i) Gifts and grants; local assistance	PR	C	1,400,000	750,000	
(jk) Youth diversion program	PR	B	250,000	250,000	
(kc) Independent living center grants	PR-S	A	537,800	537,800	
(ky) Interagency and intra-agency aids	PR-S	C	1,580,700	1,580,700	
(kz) Interagency and intra-agency local assistance	PR-S	C	-0-	-0-	
(L) Welfare fraud and error reduction; local assistance	PR	C	775,000	850,000	
(ma) Federal project aids	PR-F	C	8,770,000	7,236,500	
(mb) Federal project local assistance	PR-F	C	2,737,800	2,903,300	
(md) Federal block grant aids	PR-F	C	53,396,400	53,395,200	
(na) Federal program aids	PR-F	C	37,311,300	42,141,300	
(nL) Federal program local assistance	PR-F	C	57,868,700	58,775,400	
(o) Federal aid; community aids	PR-F	C	67,692,500	69,785,700	
(oo) Federal aid; community youth and family aids	PR-F	C	2,449,200	2,449,200	
(p) Federal aid; income maintenance payments	PR-F	C	263,924,900	264,482,500	
(pd) Federal aid; state foster care and adoption services	PR-F	C	3,044,500	3,436,700	
(ps) Employment programs; aids	PR-F	C	42,023,200	42,764,300	
(q) Community alcohol and other drug abuse prevention pilot program	SEG	A	-0-	500,000	
(7) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			645,130,300	671,178,300	
PROGRAM REVENUE			610,527,100	624,176,700	
FEDERAL	(		539,218,500)	(547,370,100)	
OTHER	(		69,190,100)	(74,688,100)	
SERVICE	(		2,118,500)	(2,118,500)	
SEGREGATED FUNDS			-0-	500,000	
OTHER	(		-0-)	(500,000)	
TOTAL-ALL SOURCES			1,255,657,400	1,295,855,000	

-139-

89 WisACT 31

STATUTE, AGENCY AND PURPOSE

SOURCE TYPE

1989-90

1990-91

(8) GENERAL ADMINISTRATION

(a) General program operations	GPR	A	13,532,400	13,165,900
(g) Legal services collections	PR	C	12,200	12,200
(i) Gifts and grants	PR	C	-0-	-0-
(k) Administrative and support services	PR-S	A	13,897,500	14,267,100
(kx) Interagency and intra-agency programs	PR-S	C	414,800	380,400
(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
(kz) Interagency and intra-agency local assistance	PR-S	C	780,000	780,000
(m) Federal project operations	PR-F	C	-0-	-0-
(ma) Federal project aids	PR-F	C	-0-	-0-
(n) Federal program operations	PR-F	C	489,200	489,800
(pz) Indirect cost reimbursements	PR-F	C	1,081,300	1,029,200

(8) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	13,532,400	13,165,900
PROGRAM REVENUE	16,675,000	16,958,700
FEDERAL	(1,570,500)	(1,519,000)
OTHER	(12,200)	(12,200)
SERVICE	(15,092,300)	(15,427,500)
TOTAL-ALL SOURCES	30,207,400	30,124,600

20.435 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	1,507,933,800	1,586,421,100
PROGRAM REVENUE	1,753,399,500	1,824,127,500
FEDERAL	(1,491,343,100)	(1,555,269,100)
OTHER	(223,004,300)	(228,890,100)
SERVICE	(39,052,100)	(39,968,300)
SEGREGATED FUNDS	692,000	1,187,000
OTHER	(692,000)	(1,187,000)
TOTAL-ALL SOURCES	3,262,025,300	3,411,735,600

20.440 Health and educational facilities authority

(1) CONSTRUCTION OF HEALTH AND EDUCATIONAL FACILITIES

(a) General program operations	GPR	C	-0-	-0-
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(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	-0-	-0-
TOTAL-ALL SOURCES	-0-	-0-

(2) RURAL HOSPITAL LOAN GUARANTEE

(a) Rural assistance loan fund	GPR	C	-0-	150,000
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(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	-0-	150,000
TOTAL-ALL SOURCES	-0-	150,000

20.440 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	-0-	150,000
TOTAL-ALL SOURCES	-0-	150,000

Vetoed
in Part

20.445 Industry, labor and human relations, department of

(1) INDUSTRY, LABOR AND HUMAN RELATIONS

(a) General program operations	GPR	A	5,053,100	5,046,000
(aa) Special death benefit	GPR	S	100,000	100,000
(bc) Assistance for dislocated workers	GPR	A	500,000	500,000
(c) Job center pilot projects	GPR	B	100,000	-0-
(d) Private sewage system research	GPR	A	50,000	50,000
(dm) Storage tank inventory	GPR	A	-0-	-0-
(e) Wisconsin job opportunity business subsidy program	GPR	B	1,640,000	1,640,000

89 WisACT 31

-140-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
(f) Death and disability benefit payments; public insurrections	GPR	S	-0-	-0-
(g) Gifts and grants	PR	C	18,000	18,000
(ga) Job service operations	PR	C	62,300	62,300
(gb) Local agreements	PR	C	3,853,700	3,853,700
(gc) Unemployment administration	PR	C	-0-	-0-
(gd) Unemployment interest and penalty payments	PR	C	410,500	10,500
(ge) Unemployment reserve fund research	PR	A	206,100	206,100
(gf) Employment security administration	PR	A	2,935,400	2,921,200
(h) Local energy resource system fees	PR	A	-0-	-0-
(ha) Worker's compensation operations	PR	A	5,015,700	4,805,300
(hb) Worker's compensation contracts	PR	C	132,600	132,600
(j) Safety and building operations	PR	A	10,138,500	9,866,600
(k) Fees	PR	C	56,400	56,400
(ka) Interagency agreements	PR-S	C	18,560,200	18,560,200
(L) Fire dues distribution	PR	C	6,176,000	6,300,000
(La) Fire prevention and fire dues administration	PR	A	451,900	451,900
(m) Federal funds	PR-F	C	2,036,300	2,036,300
(ma) Federal aid--program administration	PR-F	C	8,169,500	8,169,500
(mb) Federal aid--employment and training local assistance	PR-F	C	21,914,500	21,914,500
(mc) Federal aid--employment and training aids	PR-F	C	33,292,800	33,292,800
(n) Unemployment administration; federal moneys	PR-F	C	57,546,600	57,318,400
(na) Employment security buildings and equipment	PR-F	C	223,100	-0-
(pz) Indirect cost reimbursements	PR-F	C	261,200	261,200
(q) Groundwater--standards; implementation	SEG	A	-0-	-0-
(s) Self-insured employers liability fund	SEG	C	-0-	-0-
(t) Work injury supplemental benefit fund	SEG	C	2,500,000	2,500,000
(u) Interest repayment	SEG	S	6,166,500	-0-
(v) Petroleum storage environmental remedial action; awards	SEG	A	7,500,000	7,500,000
(w) Petroleum storage environmental remedial action; administration	SEG	A	74,300	74,300
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			7,443,100	7,336,000
PROGRAM REVENUE			171,461,300	170,237,500
FEDERAL	(		123,444,000)	(122,992,700)
OTHER	(		29,457,100)	(28,684,600)
SERVICE	(		18,560,200)	(18,560,200)
SEGREGATED FUNDS			16,240,800	10,074,300
OTHER	(		16,240,800)	(10,074,300)

- 141 -

89 WisACT 31

STATUTE, AGENCY AND PURPOSE

SOURCE TYPE

1989-90

1990-91

TOTAL-ALL SOURCES			195,145,200	187,647,800
(2) REVIEW COMMISSION				
(a) General program operations, review commission	GPR	A	95,200	95,200
(ha) Worker's compensation operations	PR	A	163,800	167,700
(m) Federal moneys	PR-F	C	80,400	80,400
(n) Unemployment administration; federal moneys	PR-F	C	1,007,200	1,007,200
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			95,200	95,200
PROGRAM REVENUE			1,251,400	1,255,300
FEDERAL	(		1,087,600)	(1,087,600)
OTHER	(		163,800)	(167,700)
TOTAL-ALL SOURCES			1,346,600	1,350,500
(4) ADJUDICATION OF CLAIMS				
(a) Administration of mining damage claims	GPR	A	-0-	-0-
(b) Funding for mining damage claims	GPR	S	-0-	-0-
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
TOTAL-ALL SOURCES			-0-	-0-
20.445 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			7,538,300	7,431,200
PROGRAM REVENUE			172,712,700	171,492,800
FEDERAL	(		124,531,600)	(124,080,300)
OTHER	(		29,620,900)	(28,852,300)
SERVICE	(		18,560,200)	(18,560,200)
SEGREGATED FUNDS			16,240,800	10,074,300
OTHER	(		16,240,800)	(10,074,300)
TOTAL-ALL SOURCES			196,491,800	188,998,300
20.455 Justice, department of				
(1) LEGAL SERVICES				
(a) General program operations	GPR	A	9,333,100	9,391,700
(b) Special counsel	GPR	S	267,000	267,000
(cm) Special prosecutor cost reimbursement	GPR	A	10,000	10,000
(d) Legal expenses	GPR	B	767,600	767,600
(k) Environment litigation project	PR-S	C	78,400	78,400
(m) Federal aid	PR-F	C	435,400	436,500
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			10,377,700	10,436,300
PROGRAM REVENUE			513,800	514,900
FEDERAL	(		435,400)	(436,500)
SERVICE	(		78,400)	(78,400)
TOTAL-ALL SOURCES			10,891,500	10,951,200
(2) LAW ENFORCEMENT SERVICES				
(a) General program operations	GPR	A	8,309,800	8,476,700
(b) Investigations and operations	GPR	A	113,500	113,500
(c) Crime laboratory equipment	GPR	B	300,000	-0-
(cm) Debt service	GPR	S	281,300	278,800
(d) County-tribal law enforcement programs	GPR	A	60,000	60,000
(gm) Criminal history search fees	PR	C	192,300	192,300
(h) Terminal charges	PR	A	1,662,300	1,662,300
(hm) County-tribal programs, surcharge receipts	PR	A	-0-	-0-

89 WisACT 31

-142-

STATUTE, AGENCY AND PURPOSE

SOURCE TYPE

1989-90

1990-91

(hn) County-tribal programs, local assistance	PR	A	412,300	430,200
(ho) County-tribal programs, state operations	PR	A	36,600	36,600
(i) Penalty assessment surcharge, receipts	PR	A	-0-	-0-
(j) Law enforcement training fund, local assistance	PR	A	2,766,000	3,065,900
(ja) Law enforcement training fund, state operations	PR	A	1,890,300	2,010,000
(jb) Crime laboratory equipment	PR	B	235,100	250,000
(jc) Identification system equipment	PR	C	-0-	550,000
(k) Interagency and intra-agency assistance	PR-S	C	760,500	800,800
(m) Federal aid, state operations	PR-F	C	-0-	-0-
(n) Federal aid, local assistance	PR-F	C	-0-	-0-

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	9,064,600	8,929,000
PROGRAM REVENUE	7,955,400	8,998,100
FEDERAL	(-0-)	(-0-)
OTHER	(7,194,900)	(8,197,300)
SERVICE	(760,500)	(800,800)
TOTAL-ALL SOURCES	17,020,000	17,927,100

(3) ADMINISTRATIVE SERVICES

(a) General program operations	GPR	A	2,653,100	2,695,000
(g) Gifts, grants and proceeds	PR	C	-0-	-0-
(pz) Indirect cost reimbursements	PR-F	C	45,800	45,800

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	2,653,100	2,695,000
PROGRAM REVENUE	45,800	45,800
FEDERAL	(45,800)	(45,800)
OTHER	(-0-)	(-0-)
TOTAL-ALL SOURCES	2,698,900	2,740,800

(4) TRUST LANDS AND INVESTMENT DIVISION

(h) General program operations	PR	A	437,700	434,900
(m) Federal aid--flood control	PR-F	C	25,000	25,000

(4) PROGRAM TOTALS

PROGRAM REVENUE	462,700	459,900
FEDERAL	(25,000)	(25,000)
OTHER	(437,700)	(434,900)
TOTAL-ALL SOURCES	462,700	459,900

(5) VICTIMS AND WITNESSES

(a) General program operations	GPR	A	541,200	563,400
(b) Awards for victims of crimes	GPR	A	930,000	930,000
(c) Reimbursement for victim and witness services	GPR	A	1,016,800	1,221,100

(d) Services for domestic abuse victims	GPR	A	206,700	206,700
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Vetoed in Part

(g) Crime victim and witness assistance surcharge	PR	A	985,700	985,700
(h) Crime victim compensation services	PR	A	31,900	31,900
(m) Federal aid; victim compensation	PR-F	C	379,000	379,000
(mh) Federal aid; victim assistance	PR-F	C	895,000	895,000

(5) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	2,694,700	2,921,200
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-143-

89 WisAct 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
PROGRAM REVENUE			2,291,600	2,291,600
FEDERAL	(		1,274,000)	(1,274,000)
OTHER	(		1,017,600)	(1,017,600)
TOTAL-ALL SOURCES			4,986,300	5,212,800
20.455 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			24,790,100	24,981,500
PROGRAM REVENUE			11,269,300	12,310,300
FEDERAL	(		1,780,200)	(1,781,300)
OTHER	(		8,650,200)	(9,649,800)
SERVICE	(		838,900)	(879,200)
TOTAL-ALL SOURCES			36,059,400	37,291,800

20.465 Military affairs, department of

(1) NATIONAL GUARD OPERATIONS

(a) General program operations	GPR	A	3,493,000	3,518,000
(b) Repair and maintenance	GPR	A	338,100	410,500
(c) Public emergencies	GPR	S	50,000	50,000
(d) Principal repayment and interest	GPR	S	655,000	868,900
(e) State service flags	GPR	A	400	400
(f) Utilities, fuel, heating and cooling	GPR	A	1,093,500	1,153,100
(g) Military property	PR	A	48,600	49,400
(k) Armory store operations	PR-S	A	200,000	200,000
(km) Agency services	PR-S	A	18,000	18,000
(m) Federal aid	PR-F	C	6,719,600	6,719,600
(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
(q) Helicopter medical services and transportation	SEG	A	60,800	60,800

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES			5,630,000	6,000,900
PROGRAM REVENUE			6,986,200	6,987,000
FEDERAL	(		6,719,600)	(6,719,600)
OTHER	(		48,600)	(49,400)
SERVICE	(		218,000)	(218,000)
SEGREGATED FUNDS			60,800	60,800
OTHER	(		60,800)	(60,800)
TOTAL-ALL SOURCES			12,677,000	13,048,700

(2) GUARD MEMBERS' BENEFITS

(a) Tuition grants	GPR	A	97,000	220,100
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(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES			97,000	220,100
TOTAL-ALL SOURCES			97,000	220,100

(3) EMERGENCY GOVERNMENT SERVICES

(a) General program operations	GPR	A	513,100	684,100
(e) Disaster recovery aid	GPR	C	4,100	5,500
(g) Program services	PR	A	413,300	548,700
(i) Emergency planning and reporting; administration	PR	A	99,500	97,500
(j) State emergency response board; gifts and grants	PR	C	-0-	-0-
(jm) State emergency response board; emergency planning grants	PR	C	608,800	811,700
(m) Federal aid, state operations	PR-F	C	1,027,300	1,369,700
(n) Federal aid, local assistance	PR-F	C	1,043,400	1,391,200
(o) Federal aid, individuals and organizations	PR-F	C	16,500	22,000
(q) Civil air patrol aids	SEG	A	14,300	19,000
(s) Emergency response training				

89 WisACT 31

-144-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
transportation fund.	SEG	B	37,500	37,500
(t) Emergency response training -				
environmental fund	SEG	B	37,500	37,500
(3) P R O G R A M		T O T A L S		
GENERAL PURPOSE REVENUES			517,200	689,600
PROGRAM REVENUE			3,208,800	4,240,800
FEDERAL	(		2,087,200)	(2,782,900)
OTHER	(		1,121,600)	(1,457,900)
SEGREGATED FUNDS			89,300	94,000
OTHER	(		89,300)	(94,000)
TOTAL-ALL SOURCES			3,815,300	5,024,400
20.465 D E P A R T M E N T		T O T A L S		
GENERAL PURPOSE REVENUES			6,244,200	6,910,600
PROGRAM REVENUE			10,195,000	11,227,800
FEDERAL	(		8,806,800)	(9,502,500)
OTHER	(		1,170,200)	(1,507,300)
SERVICE	(		218,000)	(218,000)
SEGREGATED FUNDS			150,100	154,800
OTHER	(		150,100)	(154,800)
TOTAL-ALL SOURCES			16,589,300	18,293,200

20.475 District attorneys

(1) DISTRICT ATTORNEYS

(g) County payments, applied				
receipts	PR	C	5,076,400	8,460,700
(r) Salaries and expenses	SEG	A	7,066,000	15,000,100
Less estimated amount				
appropriated under s.				
20.475(1)(g)	SEG	A	-5,076,400	-8,460,700
NET APPROPRIATION			1,989,600	6,539,400
20.475 D E P A R T M E N T		T O T A L S		
PROGRAM REVENUE			5,076,400	8,460,700
OTHER	(		5,076,400)	(8,460,700)
SEGREGATED FUNDS			1,989,600	6,539,400
OTHER	(		1,989,600)	(6,539,400)
TOTAL-ALL SOURCES			7,066,000	15,000,100

20.485 Veterans affairs, department of

(1) HOME FOR VETERANS

(b) General fund supplement to				
institutional operations	GPR	B	4,384,200	4,411,800
(c) Utilities, fuel, heating and				
cooling	GPR	A	556,500	590,900
(d) Cemetery maintenance and				
beautification	GPR	A	24,900	24,900
(e) Lease rental payments	GPR	S	22,200	22,200
(f) Principal repayment and				
interest	GPR	S	397,600	504,500
(fa) Geriatric program	GPR	A	-0-	-0-
(g) Home exchange	PR	A	179,200	179,200
(gk) Institutional operations	PR	A	18,857,700	19,004,000
(gm) Sale of fuel and utility				
service	PR	A	-0-	-0-
(h) Gifts and bequests	PR	C	149,800	149,800
(hm) Gifts and grants	PR	C	-0-	-0-
(i) Prepaid care	PR	A	-0-	-0-
(j) Geriatric program receipts	PR	C	101,400	101,400
(m) Federal aid; care at veterans				
home	PR-F	C	-0-	-0-
(mj) Federal aid; geriatric unit	PR-F	C	-0-	-0-

- 145 -

89 WisACT 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
(mn) Federal projects	PR-F	C	-0-	-0-
(u) Rentals; improvements; equipment; land acquisition	SEG	A	-0-	-0-
(1) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			5,385,400	5,554,300
PROGRAM REVENUE			19,288,100	19,434,400
FEDERAL	(		-0-)	(-0-)
OTHER	(		19,288,100)	(19,434,400)
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			24,673,500	24,988,700
(2) LOANS AND AIDS TO VETERANS				
(b) G.A.R. memorial hall space rental	GPR	A	-0-	-0-
(db) General fund supplement to veterans trust fund	GPR	A	-0-	-0-
(e) Homeless veterans reintegration	GPR	A	50,000	50,000
(g) Consumer reporting agency fees	PR	C	-0-	-0-
(m) Federal aid projects	PR-F	C	-0-	-0-
(q) Vietnam veteran educational grants	SEG	A	61,800	49,400
(s) Veterans memorial grants	SEG	C	-0-	-0-
(tm) Facilities	SEG	C	3,500,000	-0-
(u) Administration of loans and aids to veterans	SEG	A	1,706,400	1,711,100
(v) Memorial hall sales receipts	SEG	C	28,000	28,000
(vm) Veterans aids and treatment	SEG	A	1,338,000	1,360,900
(vn) Grants to veterans organizations	SEG	A	323,600	312,100
(vw) Payments to veterans organizations for claims service	SEG	A	75,000	75,000
(vx) County grants	SEG	A	110,600	117,000
(w) Home for needy veterans	SEG	C	10,000	10,000
(wd) Operation of memorial hall	SEG	A	73,000	73,000
(y) Veterans loans and expense	SEG	A	3,752,700	3,614,100
(z) Gifts	SEG	C	-0-	-0-
(2) P R O G R A M T O T A L S				
GENERAL PURPOSE REVENUES			50,000	50,000
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	(-0-)
OTHER	(		-0-)	(-0-)
SEGREGATED FUNDS			10,979,100	7,350,600
OTHER	(		10,979,100)	(7,350,600)
TOTAL-ALL SOURCES			11,029,100	7,400,600
(3) SELF-AMORTIZING MORTGAGE LOANS FOR VETERANS				
(b) Self insurance	GPR	S	-0-	-0-
(e) General program deficiency	GPR	S	-0-	-0-
(q) Foreclosure loss payments	SEG	C	800,000	800,000
(r) Funded reserves	SEG	C	50,000	50,000
(rm) Other reserves	SEG	C	11,286,000	10,787,000
(s) General program operations	SEG	A	2,600,900	2,599,500
(sm) County grants	SEG	A	165,900	175,500
(t) Debt service	SEG	C	110,741,100	104,226,400
(u) Loan funding and revenue obligation supplement	SEG	C	2,500,000	3,500,000
(v) Revenue obligation repayment	SEG	C	-0-	-0-

Vetoed
in Part

89 WisACT 31

- 146 -

STATUTE, AGENCY AND PURPOSE

SOURCE TYPE

1989-90

1990-91

(3) PROGRAM TOTALS			
GENERAL PURPOSE REVENUES		-0-	-0-
SEGREGATED FUNDS		128,143,900	122,138,400
OTHER	(	128,143,900)	(122,138,400)
TOTAL-ALL SOURCES		128,143,900	122,138,400
20.485 DEPARTMENT TOTALS			
GENERAL PURPOSE REVENUES		5,435,400	5,604,300
PROGRAM REVENUE		19,288,100	19,434,400
FEDERAL	(	-0-)	(-0-)
OTHER	(	19,288,100)	(19,434,400)
SEGREGATED FUNDS		139,123,000	129,489,000
OTHER	(	139,123,000)	(129,489,000)
TOTAL-ALL SOURCES		163,846,500	154,527,700
20.490 Wisconsin housing and economic development authority			
(1) FACILITATION OF CONSTRUCTION OF HOUSING			
(a) Capital reserve fund			
deficiency	GPR C	-0-	-0-
(1) PROGRAM TOTALS			
GENERAL PURPOSE REVENUES		-0-	-0-
TOTAL-ALL SOURCES		-0-	-0-
(2) HOUSING REHABILITATION LOAN PROGRAM			
(a) General program operations	GPR C	-0-	-0-
(q) Loan loss reserve fund	SEG C	-0-	-0-
(2) PROGRAM TOTALS			
GENERAL PURPOSE REVENUES		-0-	-0-
SEGREGATED FUNDS		-0-	-0-
OTHER	(	-0-)	(-0-)
TOTAL-ALL SOURCES		-0-	-0-
(3) AGRICULTURAL PRODUCTION LOAN GUARANTEE			
(a) Agricultural production loan			
fund	GPR C	-0-	-0-
(b) Agricultural production loan			
interest reduction	GPR C	-0-	-0-
(3) PROGRAM TOTALS			
GENERAL PURPOSE REVENUES		-0-	-0-
TOTAL-ALL SOURCES		-0-	-0-
(4) DISADVANTAGED BUSINESS MOBILIZATION ASSISTANCE			
(g) Disadvantaged business			
mobilization loan guarantee	PR C	-0-	-0-
(4) PROGRAM TOTALS			
PROGRAM REVENUE		-0-	-0-
OTHER	(	-0-)	(-0-)
TOTAL-ALL SOURCES		-0-	-0-
(5) DROUGHT ASSISTANCE AND AGRICULTURAL DEVELOPMENT LOAN GUARANTEES			
(a) Drought assistance and			
agricultural development loan			
fund	GPR C	-0-	-0-
(5) PROGRAM TOTALS			
GENERAL PURPOSE REVENUES		-0-	-0-
TOTAL-ALL SOURCES		-0-	-0-
(6) FINANCIAL ASSISTANCE FUND PROMOTION			
(a) Financial assistance fund			
promotion	GPR C	200,000	-0-
(6) PROGRAM TOTALS			
GENERAL PURPOSE REVENUES		200,000	-0-
TOTAL-ALL SOURCES		200,000	-0-
20.490 DEPARTMENT TOTALS			
GENERAL PURPOSE REVENUES		200,000	-0-
PROGRAM REVENUE		-0-	-0-

Vetoed
in Part

-147-

89 WisACT 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
OTHER	(		-0-)	(-0-)
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			200,000	-0-

Human Relations and Resources

FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES			1,555,500,300	1,635,042,200
PROGRAM REVENUE			1,972,813,500	2,047,888,700
FEDERAL	(		1,626,461,700)	(1,690,633,200)
OTHER	(		287,535,100)	(297,482,300)
SERVICE	(		58,816,700)	(59,773,200)
SEGREGATED FUNDS			158,195,500	147,444,500
FEDERAL	(		-0-)	(-0-)
OTHER	(		158,195,500)	(147,444,500)
SERVICE	(		-0-)	(-0-)
LOCAL	(		-0-)	(-0-)
TOTAL-ALL SOURCES			3,686,509,300	3,830,375,400

General Executive

20.505 Administration, department of

(1) SUPERVISION AND MANAGEMENT

(a) General program operations	GPR	A	12,946,800	12,523,300
(b) Midwest interstate low-level radioactive waste compact; loan from gen. fund	GPR	C	19,500	19,500
(c) Census education assistance	GPR	B	525,000	-0-
(d) Energy development and demonstration fund	GPR	A	-0-	-0-
(f) Badger state games assistance	GPR	A	115,000	-0-
(fm) St. Norbert college grant	GPR	A	100,000	-0-
(g) Midwest interstate low-level radioactive waste compact; membership & costs	PR	A	60,700	60,700
(gm) Greate Lakes protection fund share	PR	C	-0-	-0-
(im) Services to nonstate governmental units	PR	A	1,202,400	1,186,100
(j) Gifts and donations	PR	C	-0-	-0-
(jm) Acid deposition activities	PR	A	51,900	50,500
(ka) Materials and services to state agencies	PR-S	A	7,602,400	8,167,300
(kb) Fleet services	PR-S	A	9,663,600	9,739,600
(kc) Building construction services	PR-S	A	2,546,600	2,542,000
(kd) Printing services	PR-S	A	4,716,600	4,723,600
(ke) Telecommunications and data processing services	PR-S	A	20,119,200	21,296,200
(kg) Records, microfilm and forms services	PR-S	A	1,342,200	1,183,300
(ki) Risk management	PR-S	A	2,013,800	2,013,800
(ma) Federal grants and contracts	PR-F	C	-0-	-0-
(mb) Federal energy grants and contracts	PR-F	C	1,012,100	1,012,100
(mc) Coastal zone management	PR-F	C	966,900	966,900
(md) Oil overcharge restitution funds	PR-F	C	597,100	823,200
(n) Federal aid; local assistance	PR-F	C	-0-	-0-
(pz) Indirect cost reimbursements	PR-F	C	137,400	137,400

Vetoed
in Part

89 WisACT 31

-148-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			13,706,300	12,542,800
PROGRAM REVENUE			53,032,900	53,902,700
FEDERAL	(		3,713,500)	(2,939,600)
OTHER	(		1,315,000)	(1,297,300)
SERVICE	(		48,004,400)	(49,665,800)
TOTAL-ALL SOURCES			66,739,200	66,445,500
(2) EMERGENCY GOVERNMENT SERVICES				
(a) General program operations	GPR	A	171,000	-0-
(e) Disaster recovery aid	GPR	C	1,400	-0-
(g) Program services	PR	A	137,700	-0-
(i) Emergency planning and reporting; administration	PR	A	33,100	-0-
(m) Federal aid, state operations	PR-F	C	342,400	-0-
(n) Federal aid, local assistance	PR-F	C	347,800	-0-
(o) Federal aid, individuals and organizations	PR-F	C	5,500	-0-
(q) Civil air patrol aids	SEG	A	4,700	-0-
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			172,400	-0-
PROGRAM REVENUE			866,500	-0-
FEDERAL	(		695,700)	(-0-)
OTHER	(		170,800)	(-0-)
SEGREGATED FUNDS			4,700	-0-
OTHER	(		4,700)	(-0-)
TOTAL-ALL SOURCES			1,043,600	-0-
(3) COMMITTEES AND INTERSTATE BODIES				
(a) General program operations	GPR	A	195,100	196,200
(b) Women's council operations	GPR	A	121,100	121,100
(e) Mediation office operations	GPR	A	-0-	-0-
(g) Gifts and grants	PR	C	-0-	-0-
(h) Program fees	PR	A	6,100	6,100
(m) Federal aid	PR-F	C	-0-	-0-
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			316,200	317,300
PROGRAM REVENUE			6,100	6,100
FEDERAL	(		-0-)	(-0-)
OTHER	(		6,100)	(6,100)
TOTAL-ALL SOURCES			322,300	323,400
(4) ATTACHED DIVISIONS, BOARDS AND COMMISSIONS				
(a) Adjudication of tax appeals	GPR	A	600,500	600,500
(b) Adjudication of equalization appeals	GPR	S	-0-	-0-
(c) Claims board; general program operations	GPR	A	28,300	28,300
(cm) Land information board - general program operations	GPR	A	40,000	-0-
(d) Claims awards	GPR	S	18,800	18,800
(dm) Sentencing commission; general program operations	GPR	A	223,500	220,500
(eb) Waste facility siting board administrative expenses	GPR	A	83,400	82,100
(f) Hearings and appeals operations	GPR	A	250,600	250,600
(fb) Corrections hearings	GPR	A	-0-	-0-
(fc) Parole commission	GPR	A	229,700	430,000
(fm) Board on the U.S.S. Wisconsin; general program operations	GPR	C	10,000	-0-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
(fn) Board on the U.S.S. Wisconsin; interest on gifts and grants	GPR	S	-0-	-0-
(gm) Sentencing commission; gifts and grants	PR	C	-0-	-0-
(h) Program services	PR	A	26,000	26,000
(i) Board on the U.S.S. Wisconsin; gifts and grants	PR	C	-0-	-0-
(j) State emergency response commission; gifts and grants	PR	C	-0-	-0-
(jm) State emergency response commission; emergency planning grants	PR	C	202,900	-0-
(mm) Sentencing commission; federal aid	PR-F	C	-0-	-0-
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,484,800	1,630,800
PROGRAM REVENUE			228,900	26,000
FEDERAL	(		-0-)	-0-)
OTHER	(		228,900)	26,000)
TOTAL-ALL SOURCES			1,713,700	1,656,800
(5) FACILITIES MANAGEMENT				
(ka) Facility operations and maintenance	PR-S	A	18,447,800	18,737,200
(kb) Lease rental payments	PR-S	C	-0-	-0-
(kc) Principal repayment, interest and rebates	PR-S	C	5,708,600	6,188,200
(5) PROGRAM TOTALS				
PROGRAM REVENUE			24,156,400	24,925,400
SERVICE	(		24,156,400)	24,925,400)
TOTAL-ALL SOURCES			24,156,400	24,925,400
(6) OFFICE OF JUSTICE ASSISTANCE				
(a) General program operations	GPR	A	339,800	234,800
(g) Anti-drug enforcement program, penalty assessment - local	PR	C	449,600	449,600
(h) Anti-drug enforcement program, penalty assessment - state	PR	C	506,100	506,100
(k) Anti-drug enforcement program -- administration	PR-S	C	236,200	236,200
(m) Federal aid, planning and administration, state operations	PR-F	C	194,100	194,100
(o) Federal aid, criminal justice improvement projects, state operations	PR-F	C	24,200	-0-
(p) Federal aid, criminal justice improvement projects, local assistance	PR-F	C	721,900	621,900
(pa) Federal aid, criminal justice improvement projects, aid to organizations	PR-F	C	81,800	81,800
(pb) Federal aid, anti-drug enforcement program, aids and local assistance	PR-F	C	2,050,000	2,000,000
(pc) Federal aid, anti-drug enforcement program, state operations	PR-F	C	1,214,000	979,000

89 WisAct 31

STATUTE, AGENCY AND PURPOSE

SOURCE TYPE

1989-90

1990-91

		(6) P R O G R A M		T O T A L S		
GENERAL PURPOSE REVENUES				339,800		234,800
PROGRAM REVENUE				5,477,900		5,068,700
	FEDERAL	(		4,286,000)	(	3,876,800)
	OTHER	(		955,700)	(	955,700)
	SERVICE	(		236,200)	(	236,200)
TOTAL-ALL SOURCES				5,817,700		5,303,500
(7) HOUSING ASSISTANCE						
(a)	General program operations	GPR	A	84,800		109,200
(b)	Housing grants and loans	GPR	B	1,865,200		3,640,800
(c)	Payments to designated agents	GPR	A	-0-		-0-
(d)	Grants to local housing organizations	GPR	B	800,000		-0-
(e)	Mortgage insurance assistance	GPR	B	1,000,000		-0-
(g)	Gifts and grants	PR	C	-0-		-0-
(k)	Sale of materials or services	PR-S	C	-0-		-0-
(m)	Federal aid; state operations	PR-F	C	-0-		-0-
(n)	Federal aid; local assistance	PR-F	C	-0-		-0-
(o)	Federal aid; individuals and organizations	PR-F	C	-0-		-0-
		(7) P R O G R A M		T O T A L S		
GENERAL PURPOSE REVENUES				3,750,000		3,750,000
PROGRAM REVENUE				-0-		-0-
	FEDERAL	(		-0-)	(	-0-)
	OTHER	(		-0-)	(	-0-)
	SERVICE	(		-0-)	(	-0-)
TOTAL-ALL SOURCES				3,750,000		3,750,000
(8) DISTRICT ATTORNEYS						
(a)	General program operations	GPR	A	106,800		115,600
		(8) P R O G R A M		T O T A L S		
GENERAL PURPOSE REVENUES				106,800		115,600
TOTAL-ALL SOURCES				106,800		115,600
		20.505 D E P A R T M E N T		T O T A L S		
GENERAL PURPOSE REVENUES				19,876,300		18,591,300
PROGRAM REVENUE				83,768,700		83,928,900
	FEDERAL	(		8,695,200)	(	6,816,400)
	OTHER	(		2,676,500)	(	2,285,100)
	SERVICE	(		72,397,000)	(	74,827,400)
SEGREGATED FUNDS				4,700		-0-
	OTHER	(		4,700)	(	-0-)
TOTAL-ALL SOURCES				103,649,700		102,520,200

20.510 Elections board

(1) ADMINISTRATION OF ELECTION AND CAMPAIGN LAWS

(a)	General program operations	GPR	B	646,100		639,800
(g)	Recount fees	PR	C	-0-		-0-
(h)	Materials and services	PR	A	6,000		6,000
(q)	Wisconsin election campaign fund	SEG	C	100,000		1,400,000

20.510 D E P A R T M E N T T O T A L S

GENERAL PURPOSE REVENUES				646,100		639,800
PROGRAM REVENUE				6,000		6,000
	OTHER	(		6,000)	(	6,000)
SEGREGATED FUNDS				100,000		1,400,000
	OTHER	(		100,000)	(	1,400,000)
TOTAL-ALL SOURCES				752,100		2,045,800

20.512 Employment relations, department of

(1) EMPLOYMENT RELATIONS

(a)	General program operations	GPR	A	4,995,000		4,873,400
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-151-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
(b) Day care services	GPR	A	50,000	50,000
(bm) Madison day care	GPR	A	35,000	-0-
(i) Services to nonstate governmental units	PR	A	106,900	106,900
(j) Gifts and donations	PR	C	-0-	-0-
(jm) Employee development and training services	PR	A	857,900	857,900
(ka) Publications	PR-S	A	90,000	90,000
(m) Federal grants and contracts	PR-F	C	-0-	-0-
(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			5,080,000	4,923,400
PROGRAM REVENUE			1,054,800	1,054,800
FEDERAL	(		-0-)	-0-)
OTHER	(		964,800)	964,800)
SERVICE	(		90,000)	90,000)
TOTAL-ALL SOURCES			6,134,800	5,978,200
(2) AFFIRMATIVE ACTION COUNCIL				
(a) General program operations	GPR	A	8,700	8,700
(j) Gifts and donations	PR	C	-0-	-0-
(m) Federal grants and contracts	PR-F	C	-0-	-0-
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			8,700	8,700
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	-0-)
OTHER	(		-0-)	-0-)
TOTAL-ALL SOURCES			8,700	8,700
20.512 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			5,088,700	4,932,100
PROGRAM REVENUE			1,054,800	1,054,800
FEDERAL	(		-0-)	-0-)
OTHER	(		964,800)	964,800)
SERVICE	(		90,000)	90,000)
TOTAL-ALL SOURCES			6,143,500	5,986,900
20.515 Employee trust funds, department of				
(1) EMPLOYEE BENEFIT PLANS				
(a) Annuity supplements and payments	GPR	S	667,000	614,000
(c) Contingencies	GPR	S	-0-	-0-
(t) Automated operating system	SEG	C	-0-	-0-
(um) Benefit administration	SEG	B	15,000	15,000
(v) Implementation of 1989 Wisconsin Act 13	SEG	B	669,900	135,900
(w) Administration	SEG	A	7,970,800	7,822,200
20.515 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			667,000	614,000
SEGREGATED FUNDS			8,655,700	7,973,100
OTHER	(		8,655,700)	7,973,100)
TOTAL-ALL SOURCES			9,322,700	8,587,100
20.521 Ethics board				
(1) CODE OF ETHICS				
(a) General program operations	GPR	A	174,900	174,900
(g) Gifts and grants	PR	C	-0-	-0-
20.521 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			174,900	174,900
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	-0-)
TOTAL-ALL SOURCES			174,900	174,900

89 WisACT 31

STATUTE, AGENCY AND PURPOSE

SOURCE TYPE

1989-90

1990-91

20.525 Office of the governor

(1) EXECUTIVE ADMINISTRATION

(a) General program operations	GPR S	1,613,800	1,637,100
(b) Contingent fund	GPR S	21,700	21,700
(c) Membership in national associations	GPR S	89,400	95,200
(d) Disability board	GPR S	-0-	-0-
(i) Gifts and grants	PR C	-0-	-0-
(m) Federal aid	PR-F C	-0-	-0-

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES		1,724,900	1,754,000
PROGRAM REVENUE		-0-	-0-
FEDERAL	(	-0-)	-0-)
OTHER	(	-0-)	-0-)
TOTAL-ALL SOURCES		1,724,900	1,754,000

(2) EXECUTIVE RESIDENCE

(a) General program operations	GPR S	134,500	134,500
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(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES		134,500	134,500
TOTAL-ALL SOURCES		134,500	134,500

20.525 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES		1,859,400	1,888,500
PROGRAM REVENUE		-0-	-0-
FEDERAL	(	-0-)	-0-)
OTHER	(	-0-)	-0-)
TOTAL-ALL SOURCES		1,859,400	1,888,500

20.536 Investment board

(1) INVESTMENT OF FUNDS

(k) General program operations	PR-S A	5,498,300	5,402,700
(ka) General program operations; clean water fund	PR-S C	-0-	-0-

20.536 DEPARTMENT TOTALS

PROGRAM REVENUE		5,498,300	5,402,700
SERVICE	(	5,498,300)	5,402,700)
TOTAL-ALL SOURCES		5,498,300	5,402,700

20.540 Office of the lieutenant governor

(1) EXECUTIVE COORDINATION

(a) General program operations	GPR A	404,000	405,000
(g) Gifts, grants and proceeds	PR C	-0-	-0-
(k) Grants from state agencies	PR-S C	-0-	-0-
(m) Federal aid	PR-F C	-0-	-0-

20.540 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES		404,000	405,000
PROGRAM REVENUE		-0-	-0-
FEDERAL	(	-0-)	-0-)
OTHER	(	-0-)	-0-)
SERVICE	(	-0-)	-0-)
TOTAL-ALL SOURCES		404,000	405,000

20.547 Personnel commission

(1) REVIEW OF PERSONNEL DECISIONS

(a) General program operations	GPR A	580,000	569,000
(h) Publications	PR A	3,000	3,000
(m) Federal aid	PR-F C	-0-	-0-

20.547 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES		580,000	569,000
PROGRAM REVENUE		3,000	3,000
FEDERAL	(	-0-)	-0-)
OTHER	(	3,000)	3,000)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
TOTAL-ALL SOURCES			583,000	572,000
20.550 Public defender board				
(1) LEGAL ASSISTANCE				
(a) Program administration	GPR	A	693,800	718,100
(b) Appellate representation	GPR	A	1,961,400	1,970,000
(c) Trial representation	GPR	A	15,534,800	15,701,400
(d) Private bar and investigator reimbursement	GPR	A	11,355,300	12,880,300
(g) Gifts and grants	PR	C	-0-	-0-
(h) Contractual agreements	PR-S	A	-0-	-0-
(i) Tuition payments	PR	C	-0-	-0-
(m) Federal aid	PR-F	C	-0-	-0-
20.550 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			29,545,300	31,269,800
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	-0-)
OTHER	(		-0-)	-0-)
SERVICE	(		-0-)	-0-)
TOTAL-ALL SOURCES			29,545,300	31,269,800
20.566 Revenue, department of				
(1) COLLECTION OF STATE TAXES				
(a) General program operations	GPR	A	30,126,800	30,231,400
(g) Administration of county sales and use taxes	PR	A	412,700	412,700
(h) Debt collection	PR	A	100,000	100,000
(ha) Administration of liquor tax	PR	A	274,200	274,200
(hm) Collections from nonresidents	PR	S	350,000	350,000
(hp) Administration of endangered resources voluntary payments	PR	A	16,900	16,900
(hq) Delinquent tax collection fees	PR	C	477,000	588,500
(i) Gifts and grants	PR	C	-0-	-0-
(m) Federal funds; state operations	PR-F	C	-0-	-0-
(u) Motor fuel tax administration	SEG	A	748,600	751,200
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			30,126,800	30,231,400
PROGRAM REVENUE			1,630,800	1,742,300
FEDERAL	(		-0-)	-0-)
OTHER	(		1,630,800)	1,742,300)
SEGREGATED FUNDS			748,600	751,200
OTHER	(		748,600)	751,200)
TOTAL-ALL SOURCES			32,506,200	32,724,900
(2) STATE AND LOCAL FINANCE				
(a) General program operations	GPR	A	7,726,500	7,762,400
(c) Assessor education program	GPR	A	-0-	-0-
(gi) Municipal finance report compliance	PR	A	40,000	40,000
(h) Reassessments	PR	A	116,200	116,200
(hi) Wisconsin property assessment manual	PR	A	80,100	80,100
(i) Gifts and grants	PR	C	-0-	-0-
(m) Federal funds; state operations	PR-F	C	-0-	-0-
(q) Railroad and air carrier tax administration	SEG	A	51,200	51,200
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			7,726,500	7,762,400

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
PROGRAM REVENUE			236,300	236,300
FEDERAL	(		-0-)	(-0-)
OTHER	(		236,300)	(236,300)
SEGREGATED FUNDS			51,200	51,200
OTHER	(		51,200)	(51,200)
TOTAL-ALL SOURCES			8,014,000	8,049,900
(3) ADMINISTRATIVE SERVICES AND SPACE RENTAL				
(a) General program operations	GPR	A	12,385,000	12,518,300
(c) Expert professional services	GPR	A	10,000	10,000
(g) Services	PR	A	55,000	55,000
(gm) Reciprocity agreement and publications	PR	A	64,400	64,400
(gp) Data processing costs for endangered resources				
voluntary payments	PR	A	10,000	10,000
(i) Gifts and grants	PR	C	-0-	-0-
(m) Federal funds; state operations	PR-F	C	-0-	-0-
(u) Motor fuel tax data processing	SEG	A	86,700	84,100
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			12,395,000	12,528,300
PROGRAM REVENUE			129,400	129,400
FEDERAL	(		-0-)	(-0-)
OTHER	(		129,400)	(129,400)
SEGREGATED FUNDS			86,700	84,100
OTHER	(		86,700)	(84,100)
TOTAL-ALL SOURCES			12,611,100	12,741,800
(7) INVESTMENT AND LOCAL IMPACT FUND				
(a) Investment and local impact fund administrative expenses	GPR	A	-0-	-0-
(e) Investment and local impact fund supplement	GPR	A	-0-	-0-
(n) Federal mining revenue	PR-F	C	-0-	-0-
(v) Investment and local impact fund	SEG	C	-0-	-0-
(7) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
PROGRAM REVENUE			-0-	-0-
FEDERAL	(		-0-)	(-0-)
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-
(8) PROPERTY TAX DEFERRAL				
(q) Program administration	SEG	A	77,600	77,600
(w) Revenue obligation repayment	SEG	C	-0-	-0-
(wa) Elderly property tax deferral loans	SEG	S	-0-	-0-
(8) PROGRAM TOTALS				
SEGREGATED FUNDS			77,600	77,600
OTHER	(		77,600)	(77,600)
TOTAL-ALL SOURCES			77,600	77,600
20566 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			50,248,300	50,522,100
PROGRAM REVENUE			1,996,500	2,108,000
FEDERAL	(		-0-)	(-0-)
OTHER	(		1,996,500)	(2,108,000)
SEGREGATED FUNDS			964,100	964,100
OTHER	(		964,100)	(964,100)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
TOTAL-ALL SOURCES			53,208,900	53,594,200
20.575 Secretary of state				
(1) MANAGEMENT AND OPERATING PROGRAM RESPONSIBILITIES				
(a) General program operations	GPR	A	432,000	423,900
(g) Program fees	PR	A	1,185,700	1,165,500
(gb) Expedited service and telephone application for reservation of name	PR	A	90,100	90,400
(h) Search fees	PR	A	164,200	166,200
(i) Uniform commercial code statewide lien system fees	PR	A	24,800	24,800
(ka) Agency collections	PR-S	A	47,400	47,400
20.575 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			432,000	423,900
PROGRAM REVENUE			1,512,200	1,494,300
OTHER	(		1,464,800)	(1,446,900)
SERVICE	(		47,400)	(47,400)
TOTAL-ALL SOURCES			1,944,200	1,918,200

20.585 Treasurer, state				
(1) CUSTODIAN OF STATE FUNDS				
(a) General program operations	GPR	A	385,100	357,700
(b) Insurance	GPR	A	-0-	-0-
(e) Unclaimed property; contingency appropriation	GPR	S	-0-	-0-
(g) Processing services	PR	A	29,100	29,100
(j) Unclaimed property; claims and administrative expenses	PR	C	155,300	155,300
(js) Investment services	PR	A	71,500	71,500
(km) Credit card use charges	PR-S	C	-0-	-0-
20.585 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			385,100	357,700
PROGRAM REVENUE			255,900	255,900
OTHER	(		255,900)	(255,900)
SERVICE	(		-0-)	(-0-)
TOTAL-ALL SOURCES			641,000	613,600

General Executive Functions
FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES			109,907,100	110,388,100
PROGRAM REVENUE			94,095,400	94,253,600
FEDERAL	(		8,695,200)	(6,816,400)
OTHER	(		7,367,500)	(7,069,700)
SERVICE	(		78,032,700)	(80,367,500)
SEGREGATED FUNDS			9,724,500	10,337,200
FEDERAL	(		-0-)	(-0-)
OTHER	(		9,724,500)	(10,337,200)
SERVICE	(		-0-)	(-0-)
LOCAL	(		-0-)	(-0-)
TOTAL-ALL SOURCES			213,727,000	214,978,900

Judicial

20.625 Circuit courts				
(1) COURT OPERATIONS				
(a) Circuit courts	GPR	S	29,393,800	29,428,400
(b) Permanent reserve judges	GPR	A	-0-	-0-
(c) Court interpreter fees	GPR	A	39,200	39,200
(d) Multicounty prosecution, county reimbursement	GPR	A	-0-	-0-
(m) Federal aid	PR-F	C	-0-	-0-

89 WisACT 31

- 156 -

STATUTE, AGENCY AND PURPOSE	SOURCE TYPE	1989-90	1990-91
(1) PROGRAM TOTALS			
GENERAL PURPOSE REVENUES		29,433,000	29,467,600
PROGRAM REVENUE		-0-	-0-
FEDERAL	(	-0-)	-0-)
TOTAL-ALL SOURCES		29,433,000	29,467,600
(3) CHILD CUSTODY HEARINGS AND STUDIES IN OTHER STATES			
(a) General program operations	GPR S	-0-	-0-
(3) PROGRAM TOTALS			
GENERAL PURPOSE REVENUES		-0-	-0-
TOTAL-ALL SOURCES		-0-	-0-
20.625 DEPARTMENT TOTALS			
GENERAL PURPOSE REVENUES		29,433,000	29,467,600
PROGRAM REVENUE		-0-	-0-
FEDERAL	(	-0-)	-0-)
TOTAL-ALL SOURCES		29,433,000	29,467,600
20.645 Judicial council			
(1) ADVISORY SERVICES TO THE COURTS AND LEGISLATURE			
(a) General program operations	GPR A	124,000	124,600
(m) Federal aid	PR-F C	-0-	-0-
20.645 DEPARTMENT TOTALS			
GENERAL PURPOSE REVENUES		124,000	124,600
PROGRAM REVENUE		-0-	-0-
FEDERAL	(	-0-)	-0-)
TOTAL-ALL SOURCES		124,000	124,600
20.660 Court of appeals			
(1) APPELLATE PROCEEDINGS			
(a) General program operations	GPR S	3,740,300	3,740,300
(m) Federal aid	PR-F C	-0-	-0-
20.660 DEPARTMENT TOTALS			
GENERAL PURPOSE REVENUES		3,740,300	3,740,300
PROGRAM REVENUE		-0-	-0-
FEDERAL	(	-0-)	-0-)
TOTAL-ALL SOURCES		3,740,300	3,740,300
20.665 Judicial commission			
(1) JUDICIAL CONDUCT			
(a) General program operations	GPR A	125,100	125,100
(cm) Contractual agreements	GPR B	33,400	33,400
(mm) Federal aid	PR-F C	-0-	-0-
20.665 DEPARTMENT TOTALS			
GENERAL PURPOSE REVENUES		158,500	158,500
PROGRAM REVENUE		-0-	-0-
FEDERAL	(	-0-)	-0-)
TOTAL-ALL SOURCES		158,500	158,500
20.680 Supreme court			
(1) SUPREME COURT PROCEEDINGS			
(a) General program operations	GPR S	2,274,100	2,287,600
(m) Federal aid	PR-F C	-0-	-0-
(1) PROGRAM TOTALS			
GENERAL PURPOSE REVENUES		2,274,100	2,287,600
PROGRAM REVENUE		-0-	-0-
FEDERAL	(	-0-)	-0-)
TOTAL-ALL SOURCES		2,274,100	2,287,600
(2) DIRECTOR OF STATE COURTS			
(a) General program operations	GPR A	2,866,000	3,242,400
(b) Judicial planning and research	GPR A	-0-	-0-
(g) Gifts and grants	PR C	-0-	-0-
(h) Materials and services	PR A	22,000	23,400

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91	
(i) Municipal judge training	PR	A	58,700	58,700	
(j) Automated information systems	PR	X	4,123,700	4,989,000	Vetoed in Part
(k) Data processing services	PR-S	A	32,500	32,500	
(m) Federal aid	PR-F	C	-0-	-0-	
(qm) Mediation fund	SEG	C	586,500	586,500	
(2) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			2,866,000	3,242,400	
PROGRAM REVENUE			4,236,900	5,103,600	
FEDERAL	(		-0-)	-0-)	
OTHER	(		4,204,400)	5,071,100)	
SERVICE	(		32,500)	32,500)	
SEGREGATED FUNDS			586,500	586,500	
OTHER	(		586,500)	586,500)	
TOTAL-ALL SOURCES			7,689,400	8,932,500	
(3) PROFESSIONAL COMPETENCE AND RESPONSIBILITY					
(g) Board of attorneys professional competence	PR	C	231,200	232,700	
(h) Board of attorneys professional responsibility	PR	C	784,000	795,300	
(3) PROGRAM TOTALS					
PROGRAM REVENUE			1,015,200	1,028,000	
OTHER	(		1,015,200)	1,028,000)	
TOTAL-ALL SOURCES			1,015,200	1,028,000	
(4) LAW LIBRARY					
(a) General program operations	GPR	A	726,400	762,800	
(g) Library collections and services	PR	A	52,700	58,200	
(h) Gifts and grants	PR	C	-0-	-0-	
(4) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			726,400	762,800	
PROGRAM REVENUE			52,700	58,200	
OTHER	(		52,700)	58,200)	
TOTAL-ALL SOURCES			779,100	821,000	
20.680 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES			5,866,500	6,292,800	
PROGRAM REVENUE			5,304,800	6,189,800	
FEDERAL	(		-0-)	-0-)	
OTHER	(		5,272,300)	6,157,300)	
SERVICE	(		32,500)	32,500)	
SEGREGATED FUNDS			586,500	586,500	
OTHER	(		586,500)	586,500)	
TOTAL-ALL SOURCES			11,757,800	13,069,100	
Judicial					
FUNCTIONAL AREA TOTALS					
GENERAL PURPOSE REVENUES			39,322,300	39,783,800	
PROGRAM REVENUE			5,304,800	6,189,800	
FEDERAL	(		-0-)	-0-)	
OTHER	(		5,272,300)	6,157,300)	
SERVICE	(		32,500)	32,500)	
SEGREGATED FUNDS			586,500	586,500	
FEDERAL	(		-0-)	-0-)	
OTHER	(		586,500)	586,500)	
SERVICE	(		-0-)	-0-)	
LOCAL	(		-0-)	-0-)	
TOTAL-ALL SOURCES			45,213,600	46,560,100	

89 WisAct 31

- 158 -

STATUTE, AGENCY AND PURPOSE

SOURCE TYPE

1989-90

1990-91

Legislative

20.765 Legislature

(1) ENACTMENT OF STATE LAWS

(a) General program operations-- assembly	GPR	S	12,298,700	12,260,000
(b) General program operations-- senate	GPR	S	8,364,900	8,325,200
(c) Contingent expenses	GPR	B	12,500	12,500
(d) Legislative documents	GPR	S	3,685,800	3,704,500

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	24,361,900	24,302,200
TOTAL-ALL SOURCES	24,361,900	24,302,200

(2) SPECIAL STUDY GROUPS

(a) Retirement committees	GPR	A	136,700	136,600
(ab) Retirement actuarial studies	GPR	B	6,000	6,000
(b) Commission on uniform state laws	GPR	B	23,100	20,700

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	165,800	163,300
TOTAL-ALL SOURCES	165,800	163,300

(3) LEGISLATIVE SERVICE AGENCIES

(a) Revisor of statutes bureau	GPR	B	448,200	407,200
(b) Legislative reference bureau	GPR	B	2,051,600	2,005,600
(c) Legislative audit bureau	GPR	B	2,580,900	2,574,000
(d) Legislative fiscal bureau	GPR	B	1,600,100	1,581,500
(e) Legislative council	GPR	B	1,840,400	1,792,500
(ec) Council contingent expenses	GPR	B	700	1,700
(em) Legislative data processing	GPR	B	454,600	454,600
(f) Joint committee on legislative organization	GPR	B	-0-	-0-
(fa) Membership in national associations	GPR	S	163,900	173,300
(g) Gifts and grants to service agencies	PR	C	-0-	-0-
(ka) Audit bureau services charges	PR-S	A	860,700	889,400
(m) Federal aid	PR-F	C	-0-	-0-

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	9,140,400	8,990,400
PROGRAM REVENUE	860,700	889,400
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(860,700)	(889,400)
TOTAL-ALL SOURCES	10,001,100	9,879,800

20.765 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	33,668,100	33,455,900
PROGRAM REVENUE	860,700	889,400
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(860,700)	(889,400)
TOTAL-ALL SOURCES	34,528,800	34,345,300

Legislative

FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES	33,668,100	33,455,900
PROGRAM REVENUE	860,700	889,400
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(860,700)	(889,400)
SEGREGATED FUNDS	-0-	-0-

-159-

89 WisAct 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
FEDERAL	(		-0-)	(-0-)
OTHER	(		-0-)	(-0-)
SERVICE	(		-0-)	(-0-)
LOCAL	(		-0-)	(-0-)
TOTAL-ALL SOURCES			34,528,800	34,345,300

General Appropriations

20.835 Shared revenue and tax relief

(1) SHARED REVENUE PAYMENTS

(d) Shared revenue account	GPR	S	807,360,000	835,580,000
(e) Corrections of shared revenue payments	GPR	S	-0-	-0-
(f) Lost manufacturing value payment	GPR	A	1,000,000	-0-

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	808,360,000	835,580,000
TOTAL-ALL SOURCES	808,360,000	835,580,000

(2) TAX RELIEF

(b) Claim of right credit	GPR	S	10,000	10,000
(c) Homestead tax credit	GPR	S	112,100,000	108,500,000
(cm) Development zones jobs credit	GPR	S	75,000	330,000
(cn) Development zones sales tax credit	GPR	S	110,000	120,000
(d) Farmers' drought property tax credit	GPR	S	-0-	-0-
(dm) Farmland preservation credit	GPR	S	31,211,600	30,600,000
(ep) Farmland tax relief credit, 1989 supplement	GPR	S	6,800,000	-0-
(ep) Cigarette tax refunds	GPR	S	3,350,000	3,350,000
(f) Earned income tax credit	GPR	S	17,200,000	19,000,000
(q) Farmland tax relief credit	SEG	S	16,100,000	16,800,000

Vetoed
in Part

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	170,856,600	161,910,000
SEGREGATED FUNDS	16,100,000	16,800,000
OTHER	(16,100,000)	(16,800,000)
TOTAL-ALL SOURCES	186,956,600	178,710,000

(3) STATE PROPERTY TAX CREDITS

(a) General government tax credit	GPR	S	146,744,000	146,744,000
(b) School levy tax credit	GPR	S	172,561,000	172,561,000
(d) Corrections of state property tax credit payments	GPR	S	-0-	-0-

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	319,305,000	319,305,000
TOTAL-ALL SOURCES	319,305,000	319,305,000

(4) COUNTY TAXES

(g) County taxes	PR	C	-0-	-0-
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(4) PROGRAM TOTALS

PROGRAM REVENUE	-0-	-0-
OTHER	(-0-)	(-0-)
TOTAL-ALL SOURCES	-0-	-0-

(5) PAYMENTS IN LIEU OF TAXES

(a) Payments for municipal services	GPR	A	13,500,000	14,400,000
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(5) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	13,500,000	14,400,000
TOTAL-ALL SOURCES	13,500,000	14,400,000

(6) COUNTY ASSESSMENT AIDS

(a) County assessment aid	GPR	S	629,000	647,000
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(6) PROGRAM TOTALS

89 WisACT 31

-160-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
GENERAL PURPOSE REVENUES			629,000	647,000
TOTAL-ALL SOURCES			629,000	647,000
20.835 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			1,312,650,600	1,331,842,000
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	-0-)
SEGREGATED FUNDS			16,100,000	16,800,000
OTHER	(		16,100,000)	16,800,000)
TOTAL-ALL SOURCES			1,328,750,600	1,348,642,000
20.855 Miscellaneous appropriations				
(1) CASH MANAGEMENT EXPENSES; INTEREST AND PRINCIPAL REPAYMENT				
(a) Obligation on operating notes	GPR	S	11,600,000	10,500,000
(b) Operating note expenses	GPR	S	125,000	125,000
(c) Interest payments to program revenue accounts	GPR	S	-0-	-0-
(d) Interest payments to segregated funds	GPR	S	-0-	-0-
(e) Interest on prorated local government payments	GPR	S	-0-	-0-
(q) Redemption of operating notes	SEG	S	-0-	-0-
(r) Interest payments to general fund	SEG	S	-0-	-0-
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			11,725,000	10,625,000
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	-0-)
TOTAL-ALL SOURCES			11,725,000	10,625,000
(3) OFFICE RELOCATION				
(a) Capitol offices relocation costs	GPR	S	873,000	943,500
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			873,000	943,500
TOTAL-ALL SOURCES			873,000	943,500
(4) TAX, ASSISTANCE AND TRANSFER PAYMENTS				
(a) Interest on overpayment of taxes	GPR	S	300,000	300,000
(am) Great Lakes protection fund contribution	GPR	C	2,000,000	-0-
(b) Election campaign payments	GPR	S	475,000	900,000
(c) Minnesota income tax reciprocity	GPR	S	19,200,000	23,200,000
(ca) Minnesota income tax reciprocity bench mark	GPR	A	-0-	-0-
(e) Transfer to conservation fund; land acquisition reimbursement	GPR	S	242,900	243,100
(fa) General fund loan to the investment and local impact fund board	GPR	C	-0-	-0-
(q) Terminal tax distribution	SEG	S	1,432,000	1,611,000
(s) Transfer to conservation fund; motorboat formula	SEG	S	4,870,100	5,276,400
(t) Transfer to conservation fund; snowmobile formula	SEG	S	1,573,500	1,580,100
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			22,217,900	24,643,100
SEGREGATED FUNDS			7,875,600	8,467,500
OTHER	(		7,875,600)	8,467,500)
TOTAL-ALL SOURCES			30,093,500	33,110,600

-161-

89 WisACT 31

STATUTE, AGENCY AND PURPOSE

SOURCE TYPE

1989-90

1990-91

(5) STATE HOUSING AUTHORITY RESERVE FUND

- (a) Enhancement of credit of
authority debt

GPR A

-0-

-0-

(5) PROGRAM TOTALS

GENERAL PURPOSE REVENUES

-0-

-0-

TOTAL-ALL SOURCES

-0-

-0-

(6) MISCELLANEOUS RECEIPTS

- (g) Gifts and grants

PR C

-0-

-0-

- (h) Vehicle and aircraft receipts

PR A

-0-

-0-

- (i) Miscellaneous program revenue

PR A

-0-

-0-

- (j) Custody accounts

PR C

-0-

-0-

- (m) Federal aid

PR-F C

-0-

-0-

- (pz) Indirect cost reimbursements

PR-F C

-0-

-0-

(6) PROGRAM TOTALS

PROGRAM REVENUE

-0-

-0-

FEDERAL

(

-0-)

-0-)

OTHER

(

-0-)

-0-)

TOTAL-ALL SOURCES

-0-

-0-

(7) DEBT COLLECTIONS

- (j) Delinquent support payments

PR C

-0-

-0-

(7) PROGRAM TOTALS

PROGRAM REVENUE

-0-

-0-

OTHER

(

-0-)

-0-)

TOTAL-ALL SOURCES

-0-

-0-

(8) DATA PROCESSING SERVICE CENTERS

- (k) Wilson street regional data
processing service center

PR-S A

15,233,000

15,236,800

- (ka) Hill farms regional data
processing service center

PR-S A

17,994,600

17,994,600

- (kb) GEF regional data processing
service center

PR-S A

-0-

-0-

(8) PROGRAM TOTALS

PROGRAM REVENUE

33,227,600

33,231,400

SERVICE

(

33,227,600)

33,231,400)

TOTAL-ALL SOURCES

33,227,600

33,231,400

(9) STUDIES

- (k) Data processing and
telecommunications study;

program & segregated funding

PR-S A

800,000

800,000

(9) PROGRAM TOTALS

PROGRAM REVENUE

800,000

800,000

SERVICE

(

800,000)

800,000)

TOTAL-ALL SOURCES

800,000

800,000

20.855 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES

34,815,900

36,211,600

PROGRAM REVENUE

34,027,600

34,031,400

FEDERAL

(

-0-)

-0-)

OTHER

(

-0-)

-0-)

SERVICE

(

34,027,600)

34,031,400)

SEGREGATED FUNDS

7,875,600

8,467,500

OTHER

(

7,875,600)

8,467,500)

TOTAL-ALL SOURCES

76,719,100

78,710,500

20.865 Program supplements

(1) EMPLOYE COMPENSATION AND SUPPORT

- (a) Judgments and legal expenses

GPR S

50,000

50,000

- (c) Compensation and related
adjustments

GPR S

-0-

-0-

- (ci) University system faculty and
academic pay adjustments

GPR S

-0-

-0-

89 WisACT 31

-162-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
(cq) Specified pay adjustments	GPR	S	-0-	-0-
(d) Employer fringe benefit costs	GPR	S	-0-	-0-
(dm) Risk management--worker's compensation	GPR	S	7,021,600	7,354,400
(e) Additional biweekly payroll	GPR	A	16,402,700	-0-
(f) Risk management--state property	GPR	S	2,554,800	2,703,700
(fm) Risk management--liability	GPR	S	3,959,700	4,532,500
(fn) Physically handicapped supplements	GPR	A	6,900	6,900
(g) Judgments and legal expenses; program revenues	PR	S	-0-	-0-
(i) Compensation and related adjustments; program revenues	PR	S	-0-	-0-
(ic) University system employe pay adjustments; program revenues	PR	S	-0-	-0-
(iq) Specified pay adjustments	PR	S	-0-	-0-
(j) Employer fringe benefit costs; program revenues	PR	S	-0-	-0-
(jm) Additional biweekly payroll; nonfederal program revenues	PR	S	12,728,700	-0-
(k) Risk management--worker's compensation; program revenues	PR	S	-0-	-0-
(kg) Risk management--state property; program revenues	PR	S	-0-	-0-
(kr) Risk management--liability; program revenues	PR	S	-0-	-0-
(Ln) Physically handicapped supplements; program revenues	PR	S	-0-	-0-
(m) Additional biweekly payroll; federal program revenues	PR-F	S	3,884,900	-0-
(q) Judgments and legal expenses; segregated revenues	SEG	S	-0-	-0-
(s) Compensation and related adjustments; segregated revenues	SEG	S	-0-	-0-
(si) University system employe pay adjustments; segregated revenues	SEG	S	-0-	-0-
(sq) Specified pay adjustments	SEG	S	-0-	-0-
(t) Employer fringe benefit costs; segregated revenues	SEG	S	-0-	-0-
(tm) Additional biweekly payroll; nonfederal segregated revenues	SEG	S	5,905,800	-0-
(u) Risk management--worker's compensation; segregated revenues	SEG	S	-0-	-0-
(ug) Risk management--state property; segregated revenues	SEG	S	-0-	-0-
(ur) Risk management--liability; segregated revenues	SEG	S	-0-	-0-
(vn) Physically handicapped supplements; segregated revenues	SEG	S	-0-	-0-
(x) Additional biweekly payroll; federal segregated revenues	SEG-F	S	20,200	-0-
(1) PROGRAM TOTALS				

- 163 -

89 WisACT 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
GENERAL PURPOSE REVENUES			29,995,700	14,647,500
PROGRAM REVENUE			16,613,600	-0-
FEDERAL	(		3,884,900)	(-0-)
OTHER	(		12,728,700)	(-0-)
SEGREGATED FUNDS			5,926,000	-0-
FEDERAL	(		20,200)	(-0-)
OTHER	(		5,905,800)	(-0-)
TOTAL-ALL SOURCES			52,535,300	14,647,500
(2) STATE PROGRAMS AND FACILITIES				
(a) Space management supplements	GPR	A	543,500	778,300
(ag) State-owned office rent supplement	GPR	A	-0-	342,700
(d) State deposit fund	GPR	S	-0-	-0-
(e) Maintenance of capitol and executive residence	GPR	A	3,125,100	3,251,600
(eb) Executive residence furnishings replacement	GPR	C	25,000	25,000
(em) Groundwater survey and analysis	GPR	A	231,200	231,200
(g) Space management supplements; program revenues	PR	S	-0-	-0-
(gg) State-owned office rent supplement; program revenues	PR	S	-0-	-0-
(j) State deposit fund; program revenues	PR	S	-0-	-0-
(L) Data processing and telecommunications study; program revenues	PR-S	S	-0-	-0-
(q) Space management supplements; segregated revenues	SEG	S	-0-	-0-
(qg) State-owned office rent supplement; segregated revenues	SEG	S	-0-	-0-
(t) State deposit fund; segregated revenues	SEG	S	-0-	-0-
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			3,924,800	4,628,800
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	(-0-)
SERVICE	(		-0-)	(-0-)
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)
TOTAL-ALL SOURCES			3,924,800	4,628,800
(3) TAXES AND SPECIAL CHARGES				
(a) Property taxes	GPR	S	-0-	-0-
(g) Property taxes; program revenues	PR	S	-0-	-0-
(i) Payments for municipal services; program revenues	PR	S	-0-	-0-
(q) Property taxes; segregated revenues	SEG	S	-0-	-0-
(s) Payments for municipal services; segregated revenues	SEG	S	-0-	-0-
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	(-0-)
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	(-0-)

89 WisACT 31

-164-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
TOTAL-ALL SOURCES			-0-	-0-
(4) JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS				
(a) General purpose revenue funds				
general program	GPR	B	1,210,200	2,460,200
supplementation				
(g) Program revenue funds general				
program supplementation	PR	S	-0-	-0-
(u) Segregated funds general				
program supplementation	SEG	S	-0-	-0-
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,210,200	2,460,200
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	-0-)
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	-0-)
TOTAL-ALL SOURCES			1,210,200	2,460,200
(8) SUPPLEMENTATION OF PROGRAM REVENUE AND PROGRAM REV.-SERVICE APPROPRIATIONS				
(g) Supplementation of program				
revenue and program				
rev.-service appropriations	PR	S	-0-	-0-
(8) PROGRAM TOTALS				
PROGRAM REVENUE			-0-	-0-
OTHER	(		-0-)	-0-)
TOTAL-ALL SOURCES			-0-	-0-
20.865 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			35,130,700	21,736,500
PROGRAM REVENUE			16,613,600	-0-
FEDERAL	(		3,884,900)	-0-)
OTHER	(		12,728,700)	-0-)
SERVICE	(		-0-)	-0-)
SEGREGATED FUNDS			5,926,000	-0-
FEDERAL	(		20,200)	-0-)
OTHER	(		5,905,800)	-0-)
TOTAL-ALL SOURCES			57,670,300	21,736,500

20.866 Public debt

(1) BOND SECURITY AND REDEMPTION FUND				
(u) Principal repayment and				
interest	SEG	S	321,278,300	346,403,200
Allocated from agency				
appropriations	SEG	S	-321,278,300	-346,403,200
NET APPROPRIATION			-0-	-0-
20.866 DEPARTMENT TOTALS				
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	-0-)
TOTAL-ALL SOURCES			-0-	-0-

20.867 Building commission

(1) STATE OFFICE BUILDINGS				
(a) Principal repayment and				
interest; housing of state				
agencies	GPR	S	-0-	-0-
(b) Principal repayment and				
interest; capitol and				
executive residence	GPR	S	1,427,200	1,547,100
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,427,200	1,547,100
TOTAL-ALL SOURCES			1,427,200	1,547,100
(2) ALL STATE-OWNED FACILITIES				
(b) Asbestos removal	GPR	A	1,000,000	1,000,000

- 165 -

89 WisACT 31

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1989-90	1990-91
(c) Hazardous materials removal	GPR	A	750,000	750,000
(d) Minimum health and safety maintenance	GPR	A	-0-	-0-
(f) Facilities maintenance and improvement	GPR	C	750,000	750,000
(q) Building trust fund	SEG	C	-0-	-0-
(r) Planning and design	SEG	C	-0-	-0-
(u) Aids for buildings	SEG	C	-0-	-0-
(v) Building program funding contingency	SEG	C	-0-	-0-
(w) Building program funding	SEG	C	-0-	-0-
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			2,500,000	2,500,000
SEGREGATED FUNDS			-0-	-0-
OTHER	(		-0-)	-0-)
TOTAL-ALL SOURCES			2,500,000	2,500,000
(3) STATE BUILDING PROGRAM				
(a) Principal repayment and interest	GPR	S	1,120,500	6,608,700
(b) Principal repayment and interest	GPR	S	18,400	17,600
(c) Lease rental payments	GPR	S	-0-	-0-
(d) Interest rebates on obligation proceeds; general fund	GPR	S	-0-	-0-
(g) Principal repayment, interest and rebates; program revenues	PR-S	S	-0-	-0-
(h) Principal repayment, interest and rebates	PR-S	S	-0-	-0-
(i) Principal repayment, interest and rebates	PR-S	S	3,434,600	3,481,300
(k) Interest rebates on obligation proceeds; program revenues	PR-S	C	-0-	-0-
(q) Principal repayment and interest; segregated revenues	SEG	S	-0-	-0-
(r) Interest rebates on obligation proceeds; conservation fund	SEG	S	-0-	-0-
(s) Interest rebates on obligation proceeds; transportation fund	SEG	S	-0-	-0-
(t) Interest rebates on obligation proceeds; veterans trust fund	SEG	S	-0-	-0-
(w) Bonding services	SEG	S	1,024,200	1,024,200
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,138,900	6,626,300
PROGRAM REVENUE			3,434,600	3,481,300
SERVICE	(		3,434,600)	3,481,300)
SEGREGATED FUNDS			1,024,200	1,024,200
OTHER	(		1,024,200)	1,024,200)
TOTAL-ALL SOURCES			5,597,700	11,131,800
(4) CAPITAL IMPROVEMENT FUND INTEREST EARNINGS				
(q) Funding in lieu of borrowing	SEG	C	-0-	-0-
(r) Interest on veterans obligations	SEG	C	-0-	-0-
(4) PROGRAM TOTALS				
SEGREGATED FUNDS			-0-	-0-

89 WisACT 31

- 166 -

STATUTE, AGENCY AND PURPOSE

SOURCE TYPE

1989-90

1990-91

OTHER	(	-0-)	(	-0-)
TOTAL-ALL SOURCES		-0-		-0-
20.867 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES		5,066,100		10,673,400
PROGRAM REVENUE		3,434,600		3,481,300
SERVICE	(	3,434,600)	(	3,481,300)
SEGREGATED FUNDS		1,024,200		1,024,200
OTHER	(	1,024,200)	(	1,024,200)
TOTAL-ALL SOURCES		9,524,900		15,178,900

20.875 Budget stabilization fund

(1) TRANSFERS TO FUND

(a) General fund transfer	GPR A	-0-	-0-
(1) PROGRAM TOTALS			
GENERAL PURPOSE REVENUES		-0-	-0-
TOTAL-ALL SOURCES		-0-	-0-

(2) TRANSFERS FROM FUND

(q) Budget stabilization fund transfer	SEG A	-0-	-0-
(2) PROGRAM TOTALS			
SEGREGATED FUNDS		-0-	-0-
OTHER	(	-0-)	(-0-)
TOTAL-ALL SOURCES		-0-	-0-
20.875 DEPARTMENT TOTALS			
GENERAL PURPOSE REVENUES		-0-	-0-
SEGREGATED FUNDS		-0-	-0-
OTHER	(	-0-)	(-0-)
TOTAL-ALL SOURCES		-0-	-0-

General Appropriations

FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES	1,387,663,300	1,400,463,500
PROGRAM REVENUE	54,075,800	37,512,700
FEDERAL	(3,884,900)	(-0-)
OTHER	(12,728,700)	(-0-)
SERVICE	(37,462,200)	(37,512,700)
SEGREGATED FUNDS	30,925,800	26,291,700
FEDERAL	(20,200)	(-0-)
OTHER	(30,905,600)	(26,291,700)
SERVICE	(-0-)	(-0-)
LOCAL	(-0-)	(-0-)
TOTAL-ALL SOURCES	1,472,664,900	1,464,267,900

SECTION 196. 20.115 (1) (title) of the statutes is amended to read:

20.115 (1) (title) FOOD SAFETY AND CONSUMER PROTECTION.

SECTION 197. 20.115 (1) (b) of the statutes is repealed.

SECTION 198. 20.115 (1) (c) of the statutes is repealed.

SECTION 199. 20.115 (1) (d) of the statutes is repealed.

SECTION 200. 20.115 (1) (g) of the statutes is amended to read:

20.115 (1) (g) *Related services*. The amounts in the schedule for the conduct of services related to service fees, including special and overtime meat inspection services under s. 97.42. All moneys received from such

service fees as are authorized by law, ~~including receipts for the testing and analysis of seed under s. 94.45 (3)~~, shall be credited to this appropriation.

SECTION 201. 20.115 (1) (ga) of the statutes is renumbered 20.115 (8) (ga) and amended to read:

20.115 (8) (ga) *Milk standards program*. All moneys received as payment for milk standards produced and used in the calibration and verification of instruments used for milk component testing and related costs for the milk standards program. On June 30, 1986, 1987, 1988 and 1989 1990, 1991, 1992, 1993 and 1994, the department shall make payments, of at least \$10,000 each year, to the general fund from this appropriation for the purpose of reimbursing milk standards program start-up costs. The payments shall

total an amount equal to \$142,200 by June 30, 1989 1994.

SECTION 202. 20.115 (1) (h) of the statutes is renumbered 20.115 (7) (h) and amended to read:

20.115 (7) (h) *Fertilizer research assessments.* All moneys collected under s. 94.64 (4) (am) to be used as provided in s. 94.64 (8m) for fertilizer research. From this paragraph, 3.5% of the gross amount collected shall be transferred to the appropriation under s. ~~20.115 sub.~~ (1) (a) as reimbursement for administrative expenses incurred by the department in connection with the moneys collected under s. 94.64 (4) (am). Moneys may not be utilized for any other research or to influence either state or federal legislation.

SECTION 203. 20.115 (1) (ha) of the statutes is renumbered 20.115 (7) (ha).

SECTION 204. 20.115 (1) (i) of the statutes is renumbered 20.115 (7) (i).

SECTION 206. 20.115 (1) (j) of the statutes is amended to read:

20.115 (1) (j) *Weights and measures inspection.* The amounts in the schedule for the performance of weights and measures services under ch. 98. All moneys received under s. 98.04 (2) and ~~from other state agencies all moneys transferred under s. 20.445 (1) (j)~~ shall be credited to this appropriation.

SECTION 207. 20.115 (1) (k) of the statutes is renumbered 20.115 (1) (gm).

SECTION 208m. 20.115 (1) (s) of the statutes is renumbered 20.115 (7) (s) and amended to read:

20.115 (7) (s) *Groundwater — standards; implementation.* From the groundwater environmental fund, the amounts in the schedule to develop groundwater standards and implement ch. 160.

SECTION 209. 20.115 (2) (title) of the statutes is amended to read:

20.115 (2) (title) ANIMAL HEALTH SERVICES.

SECTION 209g. 20.115 (2) (cm) of the statutes is created to read:

20.115 (2) (cm) *Pseudorabies control program.* Biennially, the amounts in the schedule for indemnities to owners of swine other than breeding swine over 6 months of age that are destroyed under s. 95.27 (4), and for costs of testing or vaccinating swine herds for pseudorabies under s. 95.27 (2m). No moneys may be encumbered under this paragraph after June 30, 1991.

SECTION 209m. 20.115 (2) (d) of the statutes is created to read:

20.115 (2) (d) *Animal health and disease research; Lyme disease.* Biennially, the amounts in the schedule for Lyme disease research under s. 95.177.

SECTION 210. 20.115 (2) (gm) of the statutes is renumbered 20.115 (7) (gm) and amended to read:

20.115 (7) (gm) *Seed testing and labeling.* All moneys received from the fees imposed under s. ss. 94.43 (3) and (4), to provide additional support for the department of agriculture, trade and consumer pro-

~~tection's and 94.45 (3) for seed testing and labeling activities under ch. 94.~~

SECTION 210m. 20.115 (3) (b) of the statutes is created to read:

20.115 (3) (b) *Farm product grading; inspection.* The amounts in the schedule for the inspection and monitoring of farm product grading and tare determination practices under s. 100.03 (15).

SECTION 211. 20.115 (3) (g) of the statutes is amended to read:

20.115 (3) (g) *Related services.* The amounts in the schedule for the conduct of marketing services related to service fees as authorized by law, except services financed under par. (h). Except as provided in par. (h), all moneys received from service fees as authorized by law authorized fees related to marketing services, including moneys received for accounting or audit services under ss. 93.06 (6) (b), 100.06 (1) (c) and 100.07, and for fruit and vegetable grading or weighing and certification of the weights of grain or supervisory services inspection, grading and certification of grain, fruits and vegetables under ss. 93.06 (1m) and 93.09 (10), shall be credited to this appropriation.

SECTION 211d. 20.115 (3) (h) of the statutes is amended to read:

20.115 (3) (h) *Grain regulation — Milwaukee.* The ~~amounts in the schedule for weighing and certifying the weights of grain received in or shipped from Milwaukee.~~ Ninety-eight percent of all moneys received under ch. 93, excluding moneys received under s. 93.35, relating to for weighing and certifying the weights of grain received in or shipped from Milwaukee shall be credited to this appropriation, for those purposes.

SECTION 211m. 20.115 (3) (j) of the statutes is amended to read:

20.115 (3) (j) *Grain regulation — Superior.* The ~~amounts in the schedule for the purposes of ch. 126.~~ Ninety-eight percent of all moneys received under ch. 126 shall be credited to this appropriation, for the purposes of that chapter.

SECTION 212. 20.115 (4) (c) of the statutes is created to read:

20.115 (4) (c) *Research and development grants.* The amounts in the schedule for agricultural research and development grants under s. 93.46 (2).

~~SECTION 212m. 20.115 (4) (cm) of the statutes is created to read:~~

~~20.115 (4) (cm) *Ginseng research grant.* Biennially, the amounts in the schedule for research on the health-related benefits of ginseng under 1989 Wisconsin Act (this act) section 3004 (8m). No moneys may be encumbered under this paragraph after July 1, 1991.~~

SECTION 213. 20.115 (4) (e) of the statutes is amended to read:

20.115 (4) (e) (title) *Aids to world dairy expo, inc.* The amounts in the schedule for aids to the world

Vetoed
in Part

dairy expo, inc., to be used for the ~~payment of premiums payments~~ under s. 93.30.

SECTION 218. 20.115 (7) (title) of the statutes is amended to read:

20.115 (7) (title) AGRICULTURAL RESOURCE MANAGEMENT.

SECTION 219. 20.115 (7) (a) of the statutes is amended to read:

20.115 (7) (a) *General program operations.* The amounts in the schedule for general program operations ~~under chs. 91 and 92~~ related to agricultural resource management.

SECTION 219d. 20.115 (7) (dm) of the statutes is created to read:

20.115 (7) (dm) *Wind erosion control aids.* As a continuing appropriation, the amounts in the schedule for grants to counties for wind erosion control activities under s. 92.103. No moneys may be encumbered under this paragraph after June 30, 1994.

SECTION 220. 20.115 (7) (ga) of the statutes is created to read:

20.115 (7) (ga) *Related services.* All moneys received from service fees authorized by law for the conduct of services related to agricultural resource management.

SECTION 221. 20.115 (7) (k) of the statutes is amended to read:

20.115 (7) (k) (title) *Agricultural resource management services.* All moneys received from other state agencies for the soil and water agricultural resource management program under s. 92.14, including all moneys received from the department of natural resources related to the administration and implementation of P.L. 100-4, section 316.

SECTION 222. 20.115 (7) (m) of the statutes is amended to read:

20.115 (7) (m) *Federal funds.* All federal moneys received as authorized by the governor under s. 16.54 for ~~programs under chs. 91 and 92~~ agricultural resource management.

SECTION 223. 20.115 (8) (b) of the statutes is repealed.

SECTION 223m. 20.115 (8) (d) of the statutes is created to read:

20.115 (8) (d) *Stray voltage assistance grants.* The amounts in the schedule for stray voltage assistance grants under s. 93.415. No money may be encumbered from this appropriation after August 31, 1991.

SECTION 224. 20.115 (8) (h) of the statutes is amended to read:

20.115 (8) (h) (title) *Sale of material and supplies.* ~~The amounts in the schedule for the purchase and sale of materials and supplies. All moneys received from the sale of publications and other informational material and supplies shall be credited to this appropriation for the preparation of material and purchase of supplies.~~

SECTION 225. 20.115 (8) (ha) of the statutes is created to read:

20.115 (8) (ha) *General laboratory related services.* All moneys received from service fees for the performance of general laboratory services under s. 93.06 and other laws under which the department performs testing services. The department may not transfer money from any appropriation under this section to this appropriation.

SECTION 226. 20.115 (8) (i) of the statutes is created to read:

20.115 (8) (i) *Related services.* The amounts in the schedule for the conduct of central administrative services for which service fees are assessed. All moneys received from service fees for central administrative services shall be credited to this appropriation.

SECTION 227. 20.115 (8) (ig) of the statutes is renumbered 20.115 (7) (ig).

SECTION 227m. 20.115 (8) (jm) of the statutes is created to read:

20.115 (8) (jm) *Vehicle fleet charges.* Biennially, the amounts in the schedule for the purpose of funding department of administration vehicle fleet charges in excess of supplies and services funding appropriated for vehicle use charges in other department appropriations. All moneys transferred from the appropriation under s. 20.115 (8) (k), 1987 stats., shall be credited to this appropriation.

SECTION 227n. 20.115 (8) (jm) of the statutes, as created by 1989 Wisconsin Act (this act), is repealed.

SECTION 227p. 20.115 (8) (k) of the statutes is repealed.

SECTION 228. 20.115 (8) (kL) of the statutes is created to read:

20.115 (8) (kL) *Central services.* All moneys received from the department for program-specific services that are performed centrally, except moneys received under par. (km), for the purpose of performing those services.

SECTION 229. 20.115 (8) (km) of the statutes is amended to read:

20.115 (8) (km) *General laboratory services.* ~~The~~ Biennially, the amounts in the schedule for the costs of the services performed by the department's central laboratory. All moneys received from the department and other agencies for those services shall be credited to this appropriation.

SECTION 230. 20.115 (8) (ks) of the statutes is created to read:

20.115 (8) (ks) *State contractual services.* All moneys received from other state agencies for the costs of the services performed under contracts with those state agencies.

SECTION 231. 20.115 (8) (m) of the statutes is created to read:

20.115 (8) (m) *Federal funds.* All moneys received from the federal government as authorized by the gov-

ernor under s. 16.54 for central administrative services.

SECTION 233bg. 20.115 (9) (title) of the statutes is amended to read:

20.115 (9) (title) FARM MEDIATION AND FARMER ASSISTANCE.

SECTION 233bh. 20.115 (9) (a) of the statutes is created to read:

20.115 (9) (a) *General program operations.* The amounts in the schedule for general program operations under ss. 93.50 and 93.51. This paragraph does not apply after June 30, 1991.

SECTION 233bi. 20.115 (9) (m) of the statutes is created to read:

20.115 (9) (m) *Federal funds.* All federal moneys received as authorized by the governor under s. 16.54 for the programs under ss. 93.50 and 93.51. This paragraph does not apply after June 30, 1991.

Vetoed
in Part

SECTION 234a. 20.143 (intro.) of the statutes is amended to read:

20.143 (title) *Tourism and development, department of.* (intro.) There is appropriated to the department of tourism and development for the following programs:

SECTION 234d. 20.143 (1) (a) of the statutes is amended to read:

20.143 (1) (a) *General program operations and seed capital fund.* The amounts in the schedule for general program operations under subchs. I and III to VII of ch. 560 and for financial assistance under s. 560.915.

SECTION 234e. 20.143 (1) (a) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

20.143 (1) (a) *General program operations.* The amounts in the schedule for general program operations under subchs. I and III to VII of ch. 560.

SECTION 234j. 20.143 (1) (bg) of the statutes is created to read:

20.143 (1) (bg) *Women's businesses revolving fund.* Biennially, the amounts in the schedule for a grant under 1989 Wisconsin Act (this act), section 3015 (5n).

SECTION 234k. 20.143 (1) (bg) of the statutes, as created by 1989 Wisconsin Act (this act), is repealed.

SECTION 235. 20.143 (1) (c) of the statutes is amended to read:

20.143 (1) (c) *Wisconsin development fund, grants and loans.* Biennially, the amounts in the schedule for grants and loans under ss. 560.62, 560.625 and 560.63 and 560.64, except grants and loans in amounts greater than \$250,000, and for grants under s. 560.665.

Vetoed
in Part

SECTION 235g. 20.143 (1) (d) of the statutes is amended to read:

20.143 (1) (d) *Wisconsin development fund, major grants and loans.* Biennially, the amounts in the schedule for grants and loans under ss. 560.62, 560.625 and

560.63 in amounts greater than \$250,000 for grants and loans under s. 560.66 and for loans under 1989 Wisconsin Act 300, section 3015 (4m) grants under 1989 Wisconsin Act (this act), section 3015 (2g).

Vetoed
in Part

SECTION 235h. 20.143 (1) (d) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

20.143 (1) (d) *Wisconsin development fund; major grants and loans.* Biennially, the amounts in the schedule for grants and loans under ss. 560.62, 560.625 and 560.63 in amounts greater than \$250,000 and for grants and loans under s. 560.66.

SECTION 235m. 20.143 (1) (dg) of the statutes is repealed.

SECTION 235p. 20.143 (1) (e) of the statutes is created to read:

20.143 (1) (e) *Technology-based economic development.* The amounts in the schedule for general program operations under subch. IX of ch. 560.

SECTION 235q. 20.143 (1) (er) of the statutes is created to read:

20.143 (1) (er) *Rural economic development program.* Biennially, the amounts in the schedule for grants and loans under s. 560.17.

SECTION 236r. 20.143 (1) (fg) of the statutes is created to read:

20.143 (1) (fg) *Community-based economic development programs.* The amounts in the schedule for grants under s. 560.14.

SECTION 237. 20.143 (1) (fm) of the statutes is created to read:

20.143 (1) (fm) *Minority business projects; grants and loans.* Biennially, the amounts in the schedule for grants under s. 560.82, grants and loans under s. 560.83, contract costs under s. 560.85 (4), grants under 1989 Wisconsin Act (this act), section 3015 (2) and costs under 1989 Wisconsin Act (this act), section 3015 (4n).

Vetoed
in Part

SECTION 238. 20.143 (1) (fm) of the statutes, as created by 1989 Wisconsin Act (this act), is repealed and recreated to read:

20.143 (1) (fm) *Minority business projects; grants and loans.* Biennially, the amounts in the schedule for grants under s. 560.82, grants and loans under s. 560.83 and contract costs under s. 560.85 (4).

Vetoed
in Part

SECTION 238m. 20.143 (1) (gm) of the statutes is repealed.

SECTION 239. 20.143 (1) (im) of the statutes is created to read:

20.143 (1) (im) *Minority business projects; repayments.* All moneys received in repayment of grants or loans under s. 560.83 to be used for grants and loans under subch. VII of ch. 560.

SECTION 239m. 20.143 (1) (ir) of the statutes is created to read:

20.143 (1) (ir) *Rural economic development loan repayments.* All moneys received in repayment of

loans under s. 560.17, to be used for grants and loans under s. 560.17.

Vetoed in Part SECTION 243b. 20.143 (2) (bm) of the statutes is created to read:

20.143 (2) (bm) *Ethnic group travel grants.* The amounts in the schedule for grants to ethnic groups under 1989 Wisconsin Act ... (this act), section 3015 (7b).

SECTION 243bm. 20.143 (2) (bm) of the statutes, as created by 1989 Wisconsin Act ... (this act), is repealed.

Vetoed in Part SECTION 243d. 20.143 (2) (br) of the statutes is created to read:

20.143 (2) (br) *American Indian travel grants.* The amounts in the schedule for a grant under 1989 Wisconsin Act ... (this act), section 3015 (7n).

SECTION 243dm. 20.143 (2) (br) of the statutes, as created by 1989 Wisconsin Act ... (this act), is repealed.

SECTION 243m. 20.143 (2) (r) of the statutes is created to read:

20.143 (2) (r) *Tourist information center building.* From the transportation fund, the amounts in the schedule to fund the establishment of a tourist information center under 1989 Wisconsin Act (this act), section 3015 (7g). No money may be encumbered from the appropriation under this paragraph after June 30, 1990.

SECTION 251b. 20.143 (3) of the statutes is repealed.

SECTION 263. 20.143 (4) (d) of the statutes is created to read:

20.143 (4) (d) *Strategic planning council research.* Biennially, the amounts in the schedule for research conducted by the strategic planning council relating to the council's responsibilities under s. 560.038 (1), if the council is created by the governor. No money may be encumbered from this appropriation on or after the effective date of the 1991-93 budget act.

SECTION 264. 20.165 (1) (g) of the statutes is amended to read:

20.165 (1) (g) *General program operations.* The amounts in the schedule for the licensing, rule making and regulatory functions of the department, except for preparing, administering and grading examinations. Ninety percent of all moneys received under chs. 163 and 440 to 459, except ~~ss.~~ 163.80 and 440.05 (1), shall be credited to this appropriation.

SECTION 265. 20.165 (1) (i) of the statutes is created to read:

20.165 (1) (i) *Examinations.* All moneys received under s. 440.05 (1) for the purposes of preparing, administering and grading examinations.

SECTION 280. 20.192 (1) (g) (intro.) of the statutes is amended to read:

20.192 (1) (g) *General program operations.* (intro.) The amounts in the schedule for the regulation of racing under ch. 562. All moneys received from transfers

under par. (a) and under ss. 562.02 (2) (f), 562.04 (1) (b) 4 and (2) (d), 562.05 (2), 562.065 (3) (c) 5, (d) and (e) 2 and (4) and 562.09 (2) (e) shall be credited to this appropriation. The amounts credited to this appropriation under s. 562.065 (3) (c) 5, (d) and (e) 2 and (4) shall be transferred to the general fund until the total amount transferred equals the total amount transferred to this appropriation from the appropriation under par. (a) plus interest on the amounts transferred from the appropriation under par. (a). Interest shall be computed for each amount transferred from the appropriation under par. (a) at a rate equal to the weekly prime rate for the week prior to the transfer, as reported by the federal reserve board in federal reserve statistical release H.15. Thereafter, the unencumbered balance in this appropriation on June 30 of each fiscal year which exceeds 10% of that fiscal year's expenditures, but not more than the total amount received during that fiscal year under s. 562.065 (3) (c) 5, (d) and (e) 2 and (4), shall be transferred as follows:

SECTION 280b. 20.192 (1) (g) (intro.) of the statutes; as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

20.192 (1) (g) *General program operations.* (intro.) The amounts in the schedule for the regulation of racing under ch. 562. All moneys received from transfers under par. (a) and under ss. 562.02 (2) (f), 562.04 (1) (b) 4 and (2) (d), 562.05 (2), 562.065 (3) (d) and (e) 2 and (4) and 562.09 (2) (e) shall be credited to this appropriation. The amounts credited to this appropriation under s. 562.065 (3) (d) and (e) 2 and (4) shall be transferred to the general fund until the total amount transferred equals the total amount transferred to this appropriation from the appropriation under par. (a) plus interest on the amounts transferred from the appropriation under par. (a). Interest shall be computed for each amount transferred from the appropriation under par. (a) at a rate equal to the weekly prime rate for the week prior to the transfer, as reported by the federal reserve board in federal reserve statistical release H.15. Thereafter, the unencumbered balance in this appropriation on June 30 of each fiscal year which exceeds 10% of that fiscal year's expenditures, but not more than the total amount received during that fiscal year under s. 562.065 (3) (d) and (e) 2 and (4), shall be transferred as follows:

SECTION 281. 20.195 (1) (a) of the statutes is repealed.

SECTION 282. 20.195 (1) (r) of the statutes is repealed.

SECTION 286m. 20.215 (1) (b) of the statutes is amended to read:

20.215 (1) (b) *State aid for the arts.* The amounts in the schedule for grants-in-aid or contract payments to groups, individuals, organizations and institutions by the arts board under s. 45.53 (1) (f) and (2) (a). ~~No grantee may receive any funds distributed as grants-in-aid under this paragraph unless the grantee provides at least 10% of the estimated total cost of the~~

~~project, either in the form of moneys or in kind contributions of equivalent value, to be funded under this paragraph.~~

SECTION 289m. 20.215 (1) (e) of the statutes is repealed and recreated to read:

20.215 (1) (e) *Rural arts grants.* The amounts in the schedule for rural arts grants under s. 44.58.

SECTION 289r. 20.215 (1) (e) of the statutes, as created by 1989 Wisconsin Act (this act), is repealed.

SECTION 289t. 20.215 (1) (f) of the statutes is created to read:

20.215 (1) (f) *Arts incubators.* Biennially, the amounts in the schedule for grants and loans related to arts incubators under s. 44.60. No money may be expended from the appropriation under this paragraph after June 30, 1991.

Vetoed in Part SECTION 292m. 20.215 (1) (k) of the statutes is amended to read:

~~20.215 (1) (k) *Funds received from other state agencies.* All moneys received from other state agencies, less moneys transferred to s. 20.215 (1) (ka), for the fine arts in state buildings program under s. 44.57.~~

~~SECTION 293. 20.215 (1) (ka) of the statutes is repealed.~~

SECTION 296. 20.225 (1) (b) of the statutes is amended to read:

20.225 (1) (b) (title) *Utilities, fuel, heating and cooling.* The amounts in the schedule to pay for the use of electricity, water and sewage services and to cover the cost of fuels and purchased heat for space heating utilities and for fuel, heat and air conditioning, and costs incurred under s. 16.895 by or on behalf of the board.

SECTION 296m. 20.225 (1) (e) of the statutes is created to read:

20.225 (1) (e) *Instructional telecommunications projects.* The amounts in the schedule for instructional telecommunications projects under s. 39.145.

SECTION 296r. 20.225 (1) (eg) of the statutes is created to read:

20.225 (1) (eg) *Transmitter construction.* As a continuing appropriation, the amounts in the schedule to construct a national weather service transmitter in Door county.

SECTION 296t. 20.225 (1) (er) of the statutes is created to read:

20.225 (1) (er) *Transmitter operation.* The amounts in the schedule to operate the transmitter constructed with moneys appropriated under par. (eg).

SECTION 296w. 20.235 (1) (b) of the statutes is amended to read:

20.235 (1) (b) *Tuition grants.* ~~The~~ Biennially, the amounts in the schedule for the purposes of s. 39.30.

SECTION 297. 20.235 (1) (c) of the statutes is repealed.

SECTION 297m. 20.235 (1) (cr) of the statutes is created to read:

20.235 (1) (cr) *Minority teacher loans.* A sum sufficient equal to the amount lapsed to the general fund from the appropriation under s. 20.285 (4) (dc) at the end of the previous fiscal year, but not exceeding \$50,000, for the minority teacher loan program under s. 39.40.

SECTION 298. 20.235 (1) (d) of the statutes is amended to read:

20.235 (1) (d) *Dental education contract.* The amounts in the schedule for support of those Wisconsin residents enrolled as full-time students in the pursuit of a doctor of dental surgery (D.D.S.) degree. An amount of \$5,012 in 1985-86 \$5,217 in the 1989-90 fiscal year and \$5,447 in the 1990-91 fiscal year and annually thereafter shall be disbursed under s. 39.46 for each Wisconsin resident enrolled as a full-time student. The maximum number of Wisconsin residents to be funded under this appropriation is 265 in the 1985-86 fiscal year, 214 in the 1986-87 fiscal year, 175 in the 1987-88 fiscal year, 132 in the 1988-89 fiscal year and 116 100 in the 1989-90 fiscal year and 90 in the 1990-91 fiscal year. ~~Notwithstanding s. 39.46 (3) (a), beginning with the class entering the dental school in the fall of 1990 and annually thereafter, if fewer than 5% of the number of students enrolled in the class and eligible to be funded under this appropriation are minority students, an amount equal to the difference between the funding provided to these minority students and 5% of the amount in the appropriation under this paragraph shall lapse to the general fund.~~

SECTION 299b. 20.235 (1) (fb) of the statutes is amended to read:

20.235 (1) (fb) *Indian student assistance.* ~~The~~ Biennially, the amounts in the schedule to carry out the purposes of s. 39.38.

SECTION 299d. 20.235 (1) (fe) of the statutes is amended to read:

20.235 (1) (fe) (title) *Wisconsin higher education grants and talent incentive grants.* ~~The~~ Biennially, the amounts in the schedule to carry out the purposes of s. 39.435, less the amounts charged to the appropriation under par. (m).

SECTION 299f. 20.235 (1) (fg) of the statutes is amended to read:

20.235 (1) (fg) *Minority undergraduate retention grants program; private.* ~~The~~ Biennially, the amounts in the schedule for the minority undergraduate retention grant program for private institutions under s. 39.44.

SECTION 299h. 20.235 (1) (fh) of the statutes is amended to read:

20.235 (1) (fh) *Minority undergraduate retention grants program; vocational.* ~~The~~ Biennially, the amounts in the schedule for the minority retention grant program for vocational, technical and adult education schools under s. 39.44.

SECTION 299m. 20.235 (1) (fy) of the statutes is created to read:

Vetoed in Part

Vetoed in Part

20.235 (1) (fy) *Academic excellence higher education scholarships.* The amounts in the schedule for payments to institutions of higher education under s. 39.41.

SECTION 300. 20.235 (2) (hb) of the statutes is amended to read:

20.235 (2) (hb) *Centralized lender collections; interest and principal.* All moneys received on account of principal and interest for any loans made to students other than those provided for under sub. (1) (g) or (2) (ga), (ja) or (ma) which are received by the board under s. 39.32 (9) or in the performance of any administrative or collection services performed by the board as directed by any other statutory provisions or contractual arrangements to carry out the purposes of such statutory provisions or contractual arrangements.

SECTION 301. 20.245 (2) (c) of the statutes is amended to read:

20.245 (2) (c) (title) *Utilities, fuel, heating and cooling.* The amounts in the schedule to pay for utilities and heat supplied for fuel, heat and air conditioning and costs incurred under s. 16.895 by or on behalf of the historical society at the historic sites operated by the society at Eagle, Greenbush, Cassville, Mineral Point, Madeline Island and Prairie du Chien, Wisconsin.

SECTION 301m. 20.245 (2) (j) of the statutes is amended to read:

20.245 (2) (j) *Self-amortizing facilities; principal repayment, interest and rebates.* A sum sufficient from the revenues received under par. (g) 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 of the historical society related to ~~the circus world museum at Baraboo~~ historic sites and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing such facilities.

SECTION 302. 20.245 (4) (c) of the statutes is amended to read:

20.245 (4) (c) (title) *Utilities, fuel, heating and cooling.* The amounts in the schedule to pay for utilities and heat supplied for fuel, heat and air conditioning and costs incurred under s. 16.895 by or on behalf of the historical society at the historical society building located at 816 State Street, Madison, Wisconsin.

SECTION 302m. 20.245 (4) (f) of the statutes is created to read:

20.245 (4) (f) *Humanities grants.* Biennially, the amounts in the schedule for humanities grants under s. 44.08.

SECTION 303. 20.245 (4) (pz) of the statutes is created to read:

20.245 (4) (pz) *Indirect cost reimbursements.* All moneys received from the federal government as reim-

bursement of indirect costs of grants and contracts for the purposes authorized in s. 16.54 (9) (b).

SECTION 304. 20.245 (5) (c) of the statutes is amended to read:

20.245 (5) (c) (title) *Utilities, fuel, heating and cooling.* The amounts in the schedule to pay for utilities and heat supplied for fuel, heat and air conditioning and costs incurred under s. 16.895 by or on behalf of the historical society at the historical society museum.

SECTION 305. 20.245 (6) (title) of the statutes is amended to read:

20.245 (6) (title) *BURIAL SITE CATALOG, EXCAVATION AND ANALYSIS.*

SECTION 306. 20.245 (6) (a) of the statutes is amended to read:

20.245 (6) (a) *General program operations.* The amounts in the schedule for the catalog of burial sites under s. 157.70 (2) and excavations and analyses of burial sites under s. 157.70 (4) (c) 3. a.

SECTION 307. 20.245 (6) (g) of the statutes is amended to read:

20.245 (6) (g) (title) *Excavation and analysis; cataloged burial sites.* All moneys received from fees under s. 157.70 (5) (d) to be used for excavations and analyses of cataloged burial sites under s. 157.70 (5) (c) 2m and 3.

SECTION 307m. 20.250 (1) (a) of the statutes 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. From this appropriation, an amount of \$9,826 in 1985-86 \$10,091 in the 1989-90 fiscal year and annually thereafter 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 who is paying full tuition. The number of Wisconsin residents enrolled in the class entering the college in 1986-87 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 0.56, but may not exceed 104. Beginning with the class entering in the fall of 1990 and annually thereafter, if fewer than 5% of the number of students enrolled in the class and eligible to be funded under this appropriation are minority students, an amount equal to the difference between the funding provided to these minority students and 5% of the amount in the appropriation under this paragraph shall lapse to the general fund.

Vetoed
in Part

SECTION 308. 20.255 (1) (c) of the statutes is amended to read:

20.255 (1) (c) (title) *Utilities, fuel, heating and cooling.* The amounts in the schedule to cover the cost of pay for utilities and for fuel, heat and air conditioning and costs incurred under s. 16.895 by or on behalf of the department at the schools for the deaf and visually handicapped, including electricity, water, sewage service and fuel used for space heating at the 2 schools

and applicable freight charges. Coal or fuel oil purchases under this paragraph shall be pursuant to s. 16.71 (1) and payments for coal purchased hereunder shall be made as provided in s. 16.91.

Vetoed
in Part

SECTION 308g. 20.255 (1) (cm) of the statutes is created to read:

20.255 (1) (cm) *Environmental education coordinating council.* The amounts in the schedule for the environmental education coordinating council under s. 115.375 (1).

SECTION 308k. 20.255 (1) (cp) of the statutes is created to read:

20.255 (1) (cp) *Environmental education grants.* The amounts in the schedule for environmental education grants under s. 115.375 (2).

SECTION 308m. 20.255 (1) (d) of the statutes is amended to read:

20.255 (1) (d) (title) *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 institutional facilities for the deaf hearing impaired and blind visually handicapped under s. 115.52 and reference and loan library facilities under s. 43.05 (11).

SECTION 311. 20.255 (1) (fi) of the statutes is renumbered 20.255 (2) (fi) and amended to read:

20.255 (2) (fi) *Youth alcohol and other drug abuse programs.* The amounts in the schedule for youth alcohol and other drug abuse programs under s. 115.362. No moneys may be encumbered under this paragraph after June 30, 1990.

SECTION 314. 20.255 (1) (hm) of the statutes is amended to read:

20.255 (1) (hm) *Services for drivers.* The amounts in the schedule for services for drivers. All moneys transferred from s. 20.435 (4) (6) (hx) shall be credited to this appropriation, except that the unencumbered balance on June 30 of each year shall revert to the appropriation under s. 20.435 (4) (6) (hx).

SECTION 315. 20.255 (2) (ac) of the statutes is amended to read:

20.255 (2) (ac) *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 received as applied receipts under par. (q).~~

SECTION 315m. 20.255 (2) (ad) of the statutes is created to read:

20.255 (2) (ad) *General equalization aids; contingency.* A sum sufficient to ensure that the amounts distributed for the payment of educational aids provided in subchs. II and VI of ch. 121 equal the amounts specified in s. 121.008. The amount appropriated under this paragraph may not exceed an amount determined by subtracting the amount appro-

priated under par. (q) from the amount in the schedule under par. (q).

SECTION 316m. 20.255 (2) (be) of the statutes is created to read:

20.255 (2) (be) *Science, mathematics and technology education grants.* The amounts in the schedule for science, mathematics and technology education grants under s. 115.392.

SECTION 317r. 20.255 (2) (br) of the statutes is created to read:

20.255 (2) (br) *Aid for reducing kindergarten class size.* The amounts in the schedule for aid for reducing kindergarten class size under s. 121.04.

SECTION 318g. 20.255 (2) (ch) of the statutes is created to read:

20.255 (2) (ch) *Grants for children at risk programs.* The amounts in the schedule for grants to school districts for children at risk programs under s. 118.153 (5m).

SECTION 318m. 20.255 (2) (ck) of the statutes is created to read:

20.255 (2) (ck) *Aid for school breakfasts.* Biennially, the amounts in the schedule for the school breakfast program under s. 115.335.

SECTION 319. 20.255 (2) (ec) of the statutes is repealed and recreated to read:

20.255 (2) (ec) *Aid to Milwaukee public schools.* ~~As a continuing appropriation,~~ the amounts in the schedule to correct the academic deficiencies of educationally and economically disadvantaged pupils and to achieve a more effective and responsive educational program in the school district operating under ch. 119. In the 1989-90 fiscal year, the amount in the schedule shall be distributed as provided under ss. 119.71, 119.72, 119.75 and 119.78. In the 1990-91 fiscal year, the amount in the schedule shall be distributed according to the spending plan under s. 119.80. The department of public instruction may not distribute any funds in the appropriation under this paragraph in the 1990-91 fiscal year until the spending plan for that fiscal year has been approved by the joint committee on finance under s. 119.80.

SECTION 319g. 20.255 (2) (em) of the statutes is created to read:

20.255 (2) (em) *Volunteer mentor program.* The amounts in the schedule for the volunteer mentor program under s. 119.74.

SECTION 319m. 20.255 (2) (ez) of the statutes is created to read:

20.255 (2) (ez) *Learning assistance program grants.* The amounts in the schedule for the payment of grants under s. 115.363.

SECTION 319p. 20.255 (2) (fj) of the statutes is created to read:

20.255 (2) (fj) *Japanese language and culture grants.* The amounts in the schedule for Japanese language and culture grants under s. 115.395.

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

SECTION 319r. 20.255 (2) (ft) of the statutes is created to read:

20.255 (2) (ft) *Aid for suicide prevention programs.* The amounts in the schedule for a payment of \$3,000 annually to each cooperative educational service agency to provide assistance to school districts for suicide prevention programs.

SECTION 321g. 20.255 (2) (q) of the statutes is amended to read:

20.255 (2) (q) *General equalization aids; lottery proceeds.* From the lottery fund, ~~all moneys received under s. 25.75 (3) (e) to be credited to the appropriation under par. (ac)~~ the amounts in the schedule for the payment of educational aids provided in subchs. II and VI of ch. 121.

SECTION 321m. 20.255 (2) (v) of the statutes is created to read:

20.255 (2) (v) *Grants for drug abuse resistance education.* From the racing fund, the amounts in the schedule for grants to school districts for drug abuse resistance education under s. 115.36 (4).

SECTION 322. 20.255 (2) (w) of the statutes is created to read:

20.255 (2) (w) *Youth alcohol and other drug abuse programs.* From the racing fund, the amounts in the schedule for youth alcohol and other drug abuse programs under s. 115.362.

SECTION 325. 20.285 (1) (a) of the statutes is amended to read:

20.285 (1) (a) *General program operations.* The amounts in the schedule for the purpose of educational programs and related programs. Any transfers between the instruction, research, public service, libraries, learning resources and media, farm operations, student services, auxiliary enterprises, physical plant or general operations and services subprograms shall be reported quarterly to the department of administration. The board of regents may not encumber amounts appropriated under this paragraph for groundwater research without the approval of the secretary of administration.

SECTION 325s. 20.285 (1) (b) of the statutes is renumbered 20.285 (4) (b).

SECTION 326. 20.285 (1) (c) of the statutes is amended to read:

20.285 (1) (c) (title) *Utilities, fuel, heating and cooling.* The amounts in the schedule to pay for ~~the use of electricity, water and sewer and to cover the cost of coal or other fuels used for heating or cooling, including freight charges and local hauling charges where applicable. Coal or fuel oil purchases under this paragraph shall be purchased pursuant to s. 16.71 (1). Payment for coal purchased hereunder shall be made as provided in s. 16.91. This program expenditure shall be reimbursed from par. (h) for the cost of all charges, including transportation, properly allocable to auxiliary enterprises utilities and for fuel, heat and air conditioning and costs incurred under s. 16.895, including all operating costs recommended by the~~

department of administration that result from the installation of pollution abatement equipment in state-owned or operated heating, cooling or power plants, by or on behalf of the board of regents.

SECTION 326d. 20.285 (1) (cm) of the statutes is renumbered 20.285 (4) (cm).

SECTION 326m. 20.285 (1) (db) of the statutes is amended to read:

20.285 (1) (db) *Self-amortizing facilities principal and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for any amounts advanced to meet principal and interest costs on self-amortizing university facilities whenever the combined balances of all accounts of activities, of any campus, included in par. (h) are insufficient, as determined by the department of administration, to make transfers to pars. (gb) and (gc) as required by par. (h). Amounts advanced under the authority of this paragraph shall be repaid to the general fund in instalments to be determined jointly by the department of administration and the campus concerned. Annually, an amount equal to 80% of the principal and interest costs for maintenance of university of Wisconsin-Madison intercollegiate athletic facilities shall be paid from the appropriation under this paragraph.

SECTION 326n. 20.285 (1) (dc) of the statutes is renumbered 20.285 (4) (dc).

SECTION 326p. 20.285 (1) (dd) of the statutes is renumbered 20.285 (4) (dd).

SECTION 326t. 20.285 (1) (de) of the statutes is renumbered 20.285 (4) (de).

SECTION 327m. 20.285 (1) (em) of the statutes is created to read:

20.285 (1) (em) *Schools of business.* The amounts in the schedule to support improvements in master's level business programs under s. 36.25 (28).

~~SECTION 327p. 20.285 (1) (fb) of the statutes is created to read:~~

~~20.285 (1) (fb) *Physician loan forgiveness program.* Biennially, the amounts in the schedule for loan repayments under s. 36.45.~~

SECTION 328. 20.285 (1) (fn) of the statutes is repealed.

SECTION 328e. 20.285 (1) (gb) of the statutes is amended to read:

20.285 (1) (gb) *Principal repayment, interest and rebates.* From the revenues credited under par. (h), 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 self-amortizing university facilities and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing such facilities. Annually, an amount equal to 20% of the principal and interest costs for maintenance of university of Wisconsin-

Vetoed
in Part

Madison intercollegiate athletic facilities shall be paid from the appropriation under this paragraph.

SECTION 328m. 20.285 (1) (gm) of the statutes is amended to read:

20.285 (1) (gm) *Auxiliary enterprises building projects.* As a continuing appropriation, except as provided under sub. (5) (i), all moneys received for or on account of any housing facility, commons, dining hall, cafeteria, student union, athletic activity, stationery stand or bookstore, parking facility, car fleet or intercollegiate athletics at the university of Wisconsin-Madison, or such other auxiliary enterprise activities as the board of regents designates and including such fee revenues as allocated by the board of regents and including such moneys received under leases entered into before August 1, 1987, with nonprofit building corporations as the board of regents designates to be receipts under this paragraph, for auxiliary building projects.

SECTION 328s. 20.285 (1) (h) of the statutes is amended to read:

20.285 (1) (h) *Auxiliary enterprises.* The amounts in the schedule for the operation, maintenance and capital expenditures of activities specified in this paragraph, including the transfer of funds to nonprofit building corporations to be used by the corporations for the retirement of existing indebtedness and such other payments as may be required under existing loan agreements, and for optional rental payments in addition to the mandatory rental payments under the leases and subleases, in connection with the providing of facilities for such activities. Except as provided under par. (gm) and sub. (5) (i), all moneys received by the university of Wisconsin system for or on account of any housing facility, commons, dining halls, cafeteria, student union, athletic activities, stationery stand or bookstore, parking facilities, or car fleet, intercollegiate athletics at the university of Wisconsin-Madison, or such other auxiliary enterprise activities as the board designates and including such fee revenues as allocated by the board and including such moneys received under leases entered into previously with nonprofit building corporations as the board designates to be receipts under this paragraph shall be credited to this appropriation. A separate account shall be maintained for each campus, the center system and extension.

SECTION 328w. 20.285 (1) (hm) of the statutes is created to read:

20.285 (1) (hm) *Extension outreach.* All moneys collected under s. 94.64 (4) (ar) to be used for university of Wisconsin-extension outreach services.

SECTION 329. 20.285 (1) (ia) of the statutes is amended to read:

20.285 (1) (ia) *State laboratory of hygiene, drivers.* All moneys transferred from s. 20.435 (4) (6) (hx) for the state laboratory of hygiene for costs associated with services for drivers.

SECTION 329d. 20.285 (1) (im) of the statutes is amended to read:

20.285 (1) (im) *Academic student fees.* Except as provided in sub. (2) (i) 1, the amounts in the schedule for degree credit instruction. Except as provided under ~~par.~~ pars. (Lm) and (Ls), all moneys received from academic student fees shall be credited to this appropriation.

SECTION 329g. 20.285 (1) (iw) of the statutes is renumbered 20.285 (5) (iw).

SECTION 329m. 20.285 (1) (jp) of the statutes is created to read:

20.285 (1) (jp) *License plate scholarship programs.* All moneys received under s. 341.14 (6r) (b) 4, for the scholarship programs under s. 36.44.

~~SECTION 329r. 20.285 (1) (js) of the statutes is created to read:~~

~~20.285 (1) (js) *Physician loan forgiveness program, local contributions.* All moneys received under s. 36.45 (6) for loan repayments under s. 36.45~~

SECTION 330. 20.285 (1) (Lm) of the statutes is amended to read:

20.285 (1) (Lm) *Laboratories.* From moneys received from academic student fees, \$1,451,200 \$1,855,100 annually, to be used for laboratory modernization. No money may be expended from or credited to this appropriation after June 30, 1996.

SECTION 330c. 20.285 (1) (Ls) of the statutes is created to read:

20.285 (1) (Ls) *Schools of business.* From moneys received as academic student fees in the 1990-91 fiscal year and thereafter, \$592,300 annually to support improvements in master's level business programs under s. 36.25 (28).

~~SECTION 330m. 20.285 (1) (r) of the statutes is created to read:~~

~~20.285 (1) (r) *USF 12 development assessment.* From the transportation fund, the amounts in the schedule for the purposes of 1989 Wisconsin Act 11 (this act), section 30.55 (4n).~~

SECTION 330p. 20.285 (1) (t) of the statutes is created to read:

20.285 (1) (t) *Extension outreach.* From the moneys in the environmental fund for groundwater management, the amounts in the schedule for university of Wisconsin-extension outreach services. No moneys may be encumbered under this paragraph after June 30, 1991.

SECTION 330s. 20.285 (1) (v) of the statutes is created to read:

20.285 (1) (v) *Alcohol and other drug abuse prevention and intervention.* From the racing fund, the amounts in the schedule for alcohol and other drug abuse prevention and intervention programs under s. 36.48.

SECTION 331. 20.285 (2) (b) of the statutes is amended to read:

Vetoed
in Part

Vetoed
in Part

20.285 (2) (b) (title) *Contingent fund*. ~~The Notwithstanding s. 20.920 (1) (b),~~ the board of regents may use balances in university of Wisconsin system program revenue appropriations as contingent funds for the payment of miscellaneous expenses if immediate payment is deemed necessary but not to exceed ~~\$3,500,000~~ \$4,000,000 in total.

SECTION 331m. 20.285 (5) of the statutes is created to read:

20.285 (5) UNIVERSITY OF WISCONSIN-MADISON INTERCOLLEGIATE ATHLETICS. (a) *General program operations*. The amounts in the schedule for the division of intercollegiate athletics at the university of Wisconsin-Madison.

(g) *Segregated student fees*. The amounts in the schedule for the division of intercollegiate athletics at the university of Wisconsin-Madison. All moneys received from segregated student fees designated for intercollegiate athletics shall be credited to this appropriation.

(h) *Auxiliary enterprises*. The amounts in the schedule for the operation of the division of intercollegiate athletics at the university of Wisconsin-Madison. All moneys received from the operation of the division of intercollegiate athletics at the university of Wisconsin-Madison shall be credited to this appropriation.

(i) *Nonincome sports*. From moneys received from parking facilities at the university of Wisconsin-Madison, \$431,900 annually for the sports administered by the division of intercollegiate athletics at the university of Wisconsin-Madison other than men's basketball, football and hockey and \$50,000 annually to support scholarships for women athletes.

(j) *Gifts and grants*. All moneys received from gifts, grants and bequests to carry out the purposes for which made.

SECTION 332. 20.292 (1) (c) of the statutes is created to read:

20.292 (1) (c) *Minority student retention grants*. The amounts in the schedule for minority student retention grants under s. 38.04 (8).

SECTION 333. 20.292 (1) (da) of the statutes is repealed.

Vetoed in Part SECTION 333m. 20.292 (1) (dc) of the statutes is amended to read:

20.292 (1) (dc) *Incentive grants*. As a continuing appropriation. Biennially, the amounts in the schedule for incentive grants to district boards under s. 38.27.

SECTION 334. 20.292 (1) (q) of the statutes is amended to read:

20.292 (1) (q) (title) *Ambulance attendant training; aid*. From the transportation fund, the amounts in the schedule for ambulance attendant and service provider training aid under s. 38.28 (7).

SECTION 335. 20.292 (1) (r) of the statutes is amended to read:

20.292 (1) (r) (title) *Ambulance attendant training; state operations*. From the transportation fund, the

amounts in the schedule for technical assistance and administrative support for ambulance attendant and service provider training under s. 38.28 (7).

SECTION 335m. 20.292 (1) (w) of the statutes is created to read:

20.292 (1) (w) *Alcohol and other drug abuse prevention and intervention*. From the racing fund, the amounts in the schedule for district alcohol and other drug abuse prevention and intervention programs under s. 38.35.

SECTION 336am. 20.360 of the statutes is created to read:

20.360 Lower Wisconsin state riverway board. There is appropriated to the lower Wisconsin state riverway board for the following program:

(1) CONTROL OF LAND DEVELOPMENT AND USE IN THE LOWER WISCONSIN STATE RIVERWAY. (a) *General program operations*. The amounts in the schedule for the general program operations of the lower Wisconsin state riverway board.

(g) *Gifts and grants*. All moneys received from gifts, grants or bequests for the lower Wisconsin state riverway board, to carry out the purposes for which received.

~~SECTION 336bm. 20.370 (1) (dg) of the statutes is created to read:~~

~~20.370 (1) (dg) *Water resources — Milwaukee river revitalization, gifts and grants*. From the general fund, all moneys received from gifts, grants, bequests, devises, donations and contributions for the environmental, recreational and economic revitalization of the Milwaukee river basin to be used for those purposes.~~

Vetoed in Part

SECTION 336cm. 20.370 (1) (dq) of the statutes is amended to read:

20.370 (1) (dq) *Water resources — Fox river management*. Biennially the amounts in the schedule for the management and operation of the Fox river locks and facilities and, for expenses of the Fox river management commission under s. 30.93 and, before July 1, 1991, for the implementation of the April 1989 long-range plan prepared by the east central Wisconsin regional planning commission and the lower Fox river/Winnebago pool long-range plan task force.

SECTION 336dm. 20.370 (1) (fg) of the statutes is repealed.

SECTION 336em. 20.370 (1) (fh) of the statutes is repealed.

~~SECTION 336ep. 20.370 (1) (fk) of the statutes is created to read:~~

~~20.370 (1) (fk) *Endangered resources — prairie seed farm program*. All moneys transferred from s. 20.395 (3) (ed) for the purpose of operating the prairie farm seed program.~~

Vetoed in Part

SECTION 336fm. 20.370 (1) (fs) of the statutes is amended to read:

20.370 (1) (fs) (title) *Endangered resources — voluntary payments and fees*. As a continuing appropriation

tion, from moneys received from the endangered resources voluntary payments, the net amounts certified under s. 71.10 (5) (h) 4 and all moneys received from fees collected under s. 29.092 (1) (g) and (h), for the purposes of the endangered resources program, as defined under s. 71.10 (5) (a) 2, ~~but not including administrative costs for which moneys are appropriated under s. 20.566 (1) (hp) or (3) (gp). All moneys certified under s. 71.10 (5) (h) 4 shall be credited to this appropriation. In fiscal year 1984-85, there is transferred from the appropriation under this paragraph to the general fund an amount equal to the amounts expended under par. (fb) in fiscal year 1983-84. Annually, 3%. Three percent of the moneys certified under s. 71.10 (5) (h) 4 in each fiscal year, but not to exceed \$100,000, shall be allocated for wildlife damage control and payment of claims for damage associated with endangered or threatened species.~~

SECTION 336fr. 20.370 (1) (gh) of the statutes is created to read:

20.370 (1) (gh) *State trails — gifts and grants.* All moneys received from gifts, grants or bequests for the development of state trails under s. 23.175 to be expended for the purposes for which made and received.

SECTION 336gc. 20.370 (1) (jr) of the statutes is amended to read:

20.370 (1) (jr) (title) *Rental property and equipment — maintenance.* All moneys received by the department from the rental of any real property on land and equipment that are owned by the department and are utilized for resource management, to be used for the maintenance of rental property on land owned by the department utilized for resource management this property and equipment.

SECTION 336gg. 20.370 (1) (kb) of the statutes is amended to read:

20.370 (1) (kb) *Resource maintenance and development — state funds.* As a continuing appropriation from the general fund, the amounts in the schedule for the maintenance and development of state parks under ch. 27; of recreation areas, other than game or fish refuges, in state forests under ch. 28; of lands owned, managed, supervised or controlled by the department in the lower Wisconsin state riverway as defined in s. 30.40 (15); and of other recreational lands owned by the department, and for the maintenance of the ice age trail. Of the amounts appropriated under this paragraph, \$50,000 may be expended only to match at the ratio of 1 to 1 funds received under par. (gg) from a county, city, village, town or organization after the effective date of this paragraph [revisor inserts date], that are given specifically for the purchase of equipment and materials for maintenance of the ice age trail. At least \$150,000 in each fiscal year shall be expended from this appropriation for maintaining and developing historic sites located in state parks at least \$10,000 of which shall be expended in

each fiscal year for maintaining and developing Heritage Hill state park.

SECTION 336gj. 20.370 (1) (kc) of the statutes is amended to read:

20.370 (1) (kc) *Resource acquisition and development — principal repayment and interest.* From the general fund, 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 state recreation facilities under s. 20.866 (2) (tp) and (tr), in financing state aids ~~for land acquisition and development of local parks~~ under s. 20.866 (2) (tq), in financing land acquisition activities under s. 20.866 (2) (ts) and (tt) and, in financing the aid program for dams under s. 20.866 (2) (tx), in financing ice age trail development under s. 20.866 (2) (tw) and in funding the stewardship program under s. 20.866 (2) (tz), but not including payments made under sub. (4) (jb).

Vetoed
in Part

SECTION 336gm. 20.370 (1) (kz) of the statutes is created to read:

20.370 (1) (kz) *Resource acquisition and development — boating access to southeastern lakes.* As a continuing appropriation, the amounts in the schedule for state recreational boating projects that provide public access to lakes ~~under s. 30.41.~~

Vetoed
in Part

SECTION 336gr. 20.370 (1) (Lr) of the statutes is amended to read:

20.370 (1) (Lr) *Beaver control; fish and wildlife account.* As a continuing appropriation, from the fish and wildlife account of the conservation fund, the amounts in the schedule for ~~making~~ beaver control ~~subsidy payments~~ under s. 29.59 and for administering that section.

SECTION 336h. 20.370 (1) (Ls) of the statutes is created to read:

20.370 (1) (Ls) *Control of wild animals.* As a continuing appropriation, the amounts in the schedule from moneys received under s. 29.092 (14) (c) for removal activities by the department under s. 29.59.

SECTION 336hb. 20.370 (1) (ma) of the statutes is amended to read:

20.370 (1) (ma) *General program operations — state funds.* From the general fund, the amounts in the schedule for general program operations under ch. 23 and ss. 30.40 to 30.49.

SECTION 336hh. 20.370 (1) (mg) of the statutes is created to read:

20.370 (1) (mg) *General program operations — endangered resources.* All moneys received from gifts and contributions under the Wisconsin natural areas heritage program and all moneys received from the sale of state-owned lands withdrawn from the state natural areas system for the purposes of natural heritage land acquisition activities, natural area land acquisition activities and administration of the natural areas inventory program.

SECTION 336hj. 20.370 (1) (mi) of the statutes is repealed and recreated to read:

20.370 (1) (mi) *General program operations — private and public sources.* From the general fund, all moneys received from public or private sources, other than state agencies, for facilities, materials or services provided by the department to pay for costs and expenses associated with those facilities, materials or services.

SECTION 336hz. 20.370 (1) (mk) of the statutes is amended to read:

20.370 (1) (mk) *General program operations — service funds.* From the general fund, all moneys received from other state agencies for materials or services provided by the department under an agreement or other arrangement with the agencies to pay for costs and expenses associated with those materials and services, including natural resources research projects under s. 23.09 (2) (k).

SECTION 336ib. 20.370 (1) (mm) of the statutes is repealed.

SECTION 336ik. 20.370 (1) (mr) of the statutes is amended to read:

20.370 (1) (mr) (title) *General program operations — state park, forest and riverway roads.* As a continuing appropriation from the transportation fund, the amounts in the schedule for state park and forest roads and roads in the lower Wisconsin state riverway as defined in s. 30.40 (15) under s. 84.28 and for the maintenance of roads in state parks under ch. 27 and recreation areas in state forests under ch. 28 which are not eligible for funding under s. 84.28. Beginning in fiscal year 1988-89 and ending in fiscal year 1993-94, the department may expend up to ~~\$350,000~~ \$400,000 from this appropriation for state park and forest roads and roads in the lower Wisconsin state riverway as defined in s. 30.40 (15) under s. 84.28 and shall expend the balance from the appropriation for the maintenance of roads which are not eligible for funding under s. 84.28.

SECTION 336iL. 20.370 (1) (ms) of the statutes is amended to read:

20.370 (1) (ms) *General program operations — state all-terrain vehicle areas and trails.* The amounts in the schedule from moneys received from all-terrain vehicle registration for state all-terrain vehicle areas and trails. ~~No moneys may be expended from this appropriation after June 30, 1989.~~

SECTION 336iw. 20.370 (1) (mt) of the statutes is repealed.

SECTION 336iz. 20.370 (1) (mv) of the statutes is repealed.

SECTION 336ja. 20.370 (1) (my) of the statutes is repealed and recreated to read:

20.370 (1) (my) *General program operations — federal funds.* All moneys received as federal aid as authorized by the governor under s. 16.54 for the purposes for which received.

SECTION 336jk. 20.370 (2) (ag) of the statutes is created to read:

20.370 (2) (ag) *Water resources management — withdrawal regulation.* The amounts in the schedule for the cost of administering ss. 144.026 (3) to (8) and (10) to (12) and 144.976. All moneys received by the department as fees under s. 144.026 (3) (d) on or after the effective date of this paragraph [revisor inserts date], shall be credited to this appropriation. The secretary of natural resources may transfer from the appropriation account under this paragraph to the appropriation account under sub. (3) (mg) in each fiscal year an amount not to exceed the amount appropriated under sub. (3) (mg) in that fiscal year.

SECTION 336js. 20.370 (2) (aq) of the statutes is amended to read:

20.370 (2) (aq) *Water resources management — lake and river management.* ~~The~~ From the conservation fund, the amounts in the schedule for lake and river management activities.

SECTION 336jv. 20.370 (2) (bL) of the statutes is amended to read:

20.370 (2) (bL) *Wastewater management — fees.* All moneys received under s. 144.025 (2) (L) for the certification of operators of waterworks, wastewater treatment ~~plant operators plants and septage servicing vehicles~~ and under ss. 146.20 (4s) (a) and (b) and 147.033 (2) (a) for wastewater management activities.

SECTION 336jz. 20.370 (2) (ca) of the statutes is repealed.

SECTION 336jzm. 20.370 (2) (da) of the statutes is created to read:

20.370 (2) (da) *Solid waste management — yard waste publicity.* Biennially, the amounts in the schedule for activities under s. 144.7967.

SECTION 336ka. 20.370 (2) (dd) of the statutes is repealed.

SECTION 336kc. 20.370 (2) (di) of the statutes is repealed.

SECTION 336km. 20.370 (2) (dr) of the statutes is repealed.

SECTION 336kn. 20.370 (2) (dv) of the statutes is amended to read:

20.370 (2) (dv) *Solid waste management — environmental repair; spills; abandoned containers.* As a continuing appropriation, from the environmental ~~repair~~ fund, the amounts in the schedule for the administration of the environmental repair program under s. 144.442, the hazardous substance spills program under s. 144.76, the abandoned container program under s. 144.77 and the payment of this state's share of environmental repair which is funded under 42 USC 9601, et seq., and any additional costs which this state is required to incur under 42 USC 9601, et seq.

SECTION 336ko. 20.370 (2) (dx) of the statutes is amended to read:

20.370 (2) (dx) *Solid waste management — environmental repair; federal funds.* From the environmental ~~repair~~ fund, all moneys received from the federal gov-

ernment as reimbursement or for purposes related to the hazardous substances spills program, the abandoned container program or the environmental repair program for the administration of those programs.

SECTION 336La. 20.370 (2) (eb) of the statutes is repealed.

SECTION 336Lc. 20.370 (2) (ec) of the statutes is repealed.

SECTION 336Lz. 20.370 (2) (eg) of the statutes is repealed.

SECTION 336ma. 20.370 (2) (fi) of the statutes is repealed.

SECTION 336mc. 20.370 (2) (fq) of the statutes is created to read:

20.370 (2) (fq) *Environmental reimbursement and compensation.* From the environmental fund, all moneys received under s. 144.442 from the recovery of expenditures and reimbursements under the environmental repair program, the hazardous substances spill program and the abandoned container program and under s. 147.23 or as a settlement to any action initiated or contemplated under s. 147.23, for compliance with consent order contracts with responsible parties, the administration of these programs, restoration or development of the water environment for public use including the replacement of fish or wildlife destroyed or to provide grants under s. 66.365 consistent with a court order issued under s. 147.23 (3).

SECTION 336md. 20.370 (2) (jc) of the statutes is created to read:

20.370 (2) (jc) *Debt service — environmental repair.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing environmental repair under s. 144.442 and the payment of this state's share of environmental repair that is funded under 42 USC 9601 to 9675.

SECTION 336mi. 20.370 (2) (mb) of the statutes is amended to read:

20.370 (2) (mb) (title) *General fund supplement to environmental fund; groundwater management.* The amounts in the schedule to be transferred to the groundwater environmental fund for groundwater management.

SECTION 336mL. 20.370 (2) (md) of the statutes is amended to read:

20.370 (2) (md) (title) *General fund supplement to environmental fund; environmental repair.* The amounts in the schedule to be transferred to the environmental repair fund for environmental repair.

SECTION 336mm. 20.370 (2) (mq) of the statutes is created to read:

20.370 (2) (mq) *General program operations — environmental fund.* From the environmental fund, the amounts in the schedule for administration of environmental activities under chs. 144, 147 and 160.

SECTION 336mp. 20.370 (2) (ms) of the statutes is repealed.

SECTION 336mt. 20.370 (2) (mt) of the statutes is created to read:

20.370 (2) (mt) *General program operations — clean water fund program; state funds.* From the clean water fund, the amounts in the schedule for general program operations under ch. 144.

SECTION 336mz. 20.370 (2) (mx) of the statutes is created to read:

20.370 (2) (mx) *General program operations — clean water fund program; federal funds.* From the federal revolving loan fund account in the clean water fund, all moneys received from the federal government for general program operations under ch. 144.

SECTION 336na. 20.370 (3) (aw) of the statutes is created to read:

20.370 (3) (aw) *Law enforcement — car kill deer.* The amounts in the schedule to pay 50% of the costs of the removal and disposal of car kill deer from the highways.

SECTION 336nd. 20.370 (3) (ay) of the statutes is created to read:

20.370 (3) (ay) *Law enforcement — car kill deer; transportation fund.* From the transportation fund, the amounts in the schedule to pay 50% of the costs of the removal and disposal of car kill deer from highways.

SECTION 336ni. 20.370 (3) (bh) of the statutes is amended to read:

20.370 (3) (bh) *Water regulation and zoning — dam inspections and safety administration.* The amounts in the schedule for dam inspections and safety administration under ch. 31. All moneys received from fees under s. 31.20, 1987 stats., shall be credited to this appropriation.

SECTION 336nk. 20.370 (3) (cr) of the statutes is repealed.

SECTION 336nm. 20.370 (3) (cu) of the statutes is repealed.

SECTION 336no. 20.370 (3) (di) of the statutes is created to read:

20.370 (3) (di) *Environmental consulting costs — federal power projects.* The amounts in the schedule for reviewing and evaluating activities under s. 23.42. All moneys received from fees the department charges under s. 23.42 shall be credited to this appropriation.

SECTION 336nq. 20.370 (3) (mg) of the statutes is created to read:

20.370 (3) (mg) *Water resources management — withdrawal enforcement.* The amounts in the schedule for the cost of enforcement of ss. 144.026 (3) to (8) and (10) to (12) and 144.976. All moneys transferred from sub. (2) (ag) shall be credited to this appropriation.

SECTION 336nr. 20.370 (3) (mq) of the statutes is created to read:

20.370 (3) (mq) *General program operations — environmental fund.* From the environmental fund, the amounts in the schedule for the enforcement of the

hazardous substance spills program under s. 144.76 and groundwater standards and related activities under ch. 160.

SECTION 336nz. 20.370 (4) (ar) of the statutes is amended to read:

20.370 (4) (ar) *Resource aids — county forests, forest croplands and managed forest land aids.* ~~The amounts in the schedule A sum sufficient~~ to pay county forest aids under s. 28.11 (8) (a), forest croplands aids under subch. I of ch. 77 and managed forest land aids under ss. 77.85 (2) and 77.89 (1).

SECTION 336oa. 20.370 (4) (at) of the statutes is created to read:

20.370 (4) (at) *Resource aids — county forest loans.* The amounts in the schedule to provide county forest loans under s. 28.11 (8) (b).

SECTION 336oam. 20.370 (4) (au) of the statutes is created to read:

20.370 (4) (au) *Resource aids — forest croplands and managed forest land aids.* The amounts in the schedule for local aids to counties under s. 23.09 (18).

SECTION 336ob. 20.370 (4) (bb) of the statutes is created to read:

20.370 (4) (bb) *Recreation aids — fish rearing ponds.* From the general fund, the amounts in the schedule to provide funding under 1989 Wisconsin Act (this act), section 3040 (11j). No money may be encumbered from the appropriation under this paragraph after June 30, 1991.

SECTION 336oc. 20.370 (4) (bt) of the statutes is amended to read:

20.370 (4) (bt) (title) *Recreation aids — snowmobile trail areas.* ~~From the transportation fund, as~~ As a continuing appropriation, an amount equal to the estimated snowmobile gas tax payment, as determined under s. 25.29 (1) (d), for the purposes specified under s. 350.12 (4) (b). The estimated snowmobile gas tax payment is calculated by multiplying the number of snowmobiles registered under s. 350.12 on the last day of February of the previous fiscal year by 50 gallons and multiplying that product by the excise tax imposed under s. 78.01 (1).

SECTION 336oe. 20.370 (4) (bw) of the statutes is repealed.

SECTION 336og. 20.370 (4) (cb) of the statutes is repealed.

SECTION 336om. 20.370 (4) (cc) of the statutes is amended to read:

20.370 (4) (cc) *Environmental aids; nonpoint source.* From the general fund, as a continuing appropriation, the amounts in the schedule for the nonpoint source water pollution abatement program under s. 144.25 for grants for the installation of best management practices and for financial assistance for the implementation of this program. Beginning in fiscal year 1990-91, the department shall allocate \$300,000 in each fiscal year from this appropriation for grants under s. 144.25 (8) (cm).

SECTION 336on. 20.370 (4) (ce) of the statutes is amended to read:

20.370 (4) (ce) (title) *Environmental aids — waste reduction and recycling demonstration and development grants.* From the general fund, as a continuing appropriation, the amounts in the schedule for waste reduction and recycling demonstration and development grants under s. 144.799.

SECTION 336oz. 20.370 (4) (co) of the statutes is repealed.

SECTION 336pa. 20.370 (4) (cs) of the statutes is amended to read:

20.370 (4) (cs) *Environmental aids — clean water fund financial assistance.* From the clean water fund, a sum sufficient for the purposes, other than general program operations specified under sub. (2) (mt) or (mx) and other than administration, of ss. 25.43 and 144.241.

SECTION 336pc. 20.370 (4) (cu) of the statutes is created to read:

20.370 (4) (cu) *Environmental aids — lake management planning grants.* As a continuing appropriation, the amounts in the schedule for lake management planning grants under s. 144.253.

SECTION 336pd. 20.370 (4) (cv) of the statutes is created to read:

20.370 (4) (cv) *Environmental aids — compensation for well contamination.* As a continuing appropriation, from the environmental fund, the amounts in the schedule to pay compensation under s. 144.027.

SECTION 336pf. 20.370 (4) (dc) of the statutes is repealed.

SECTION 336t. 20.370 (4) (dq) of the statutes is renumbered 20.370 (4) (dd) and amended to read:

20.370 (4) (dd) *Environmental aids — scenic urban waterways.* As a continuing appropriation from the general fund, the amounts in the schedule to administer a program for scenic urban waterways under s. 30.275.

SECTION 337m. 20.370 (4) (gk) of the statutes is created to read:

20.370 (4) (gk) *Enforcement aids — spearfishing enforcement; program revenue.* As a continuing appropriation, the amounts in the schedule to be transferred from the appropriation under s. 20.455 (2) (i) for the purpose of making payments to counties and municipalities under s. 29.599 to reimburse them for certain law enforcement costs associated with spearfishing.

SECTION 337p. 20.370 (4) (gq) of the statutes is amended to read:

20.370 (4) (gq) *Wildlife damage claims and abatement.* All moneys received under s. 29.092 (14) and not appropriated under sub. (1) (Ls) to provide state aid under the wildlife damage abatement program under s. 29.598 (5) (c) and the wildlife damage claim program under s. 29.598 (7) (d) and for county administration costs under s. 29.598 (2) (d).

SECTION 338ab. 20.370 (4) (hb) of the statutes is amended to read:

20.370 (4) (hb) (title) *Youth and education programs — state funds*. From the general fund, the amounts in the schedule for department education programs, for the construction and operation of youth conservation camps under s. 23.09 (23) and for conservation work projects under s. 23.09 (22).

SECTION 338ad. 20.370 (4) (hm) (title) of the statutes is amended to read:

20.370 (4) (hm) (title) *Youth and education programs — federal funds*.

SECTION 338af. 20.370 (4) (hq) of the statutes is repealed and recreated to read:

20.370 (4) (hq) *Youth and education programs — conservation fund*. From the conservation fund, the amounts in the schedule for department education programs, for the operation of youth conservation camps under s. 23.09 (23) and for conservation work projects under s. 23.09 (22).

SECTION 338ag. 20.370 (4) (ir) of the statutes is amended to read:

20.370 (4) (ir) *Aids administration — motorcycle recreation*. The amounts in the schedule for administration of the off-the-road Type 1 motorcycle trails aid program under s. 23.09 (25) (a) and the local park aid program under s. 23.09 (25) (e).

SECTION 338ah. 20.370 (4) (ix) of the statutes is amended to read:

20.370 (4) (ix) *Aids administration — clean water fund program; federal funds*. From the federal revolving loan fund account in the clean water fund, the amounts in the schedule all moneys received from the federal government, for the administration of s. 144.241.

SECTION 338ai. 20.370 (4) (jb) of the statutes is amended to read:

20.370 (4) (jb) (title) *Principal repayment and interest — recreational boating bonds*. From the general fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in assisting municipalities and other qualifying entities in the acquisition, construction, development, enlargement or improvement of recreational boating facilities ~~projects~~ under s. 30.92.

Vetoed
in Part

SECTION 338ak. 20.370 (4) (jc) (title) of the statutes is amended to read:

20.370 (4) (jc) (title) *Principal repayment and interest — pollution abatement bonds*.

SECTION 338am. 20.370 (4) (jd) (title) of the statutes is amended to read:

20.370 (4) (jd) (title) *Principal repayment and interest — combined sewer overflow; pollution abatement bonds*.

SECTION 338ap. 20.370 (4) (jq) (title) of the statutes is amended to read:

20.370 (4) (jq) (title) *Principal repayment and interest — clean water fund bonds*.

SECTION 338as. 20.370 (4) (jr) (title) of the statutes is amended to read:

20.370 (4) (jr) (title) *Principal repayment and interest — clean water fund revenue obligation repayment*.

SECTION 338asu. 20.370 (4) (kb) of the statutes is created to read:

20.370 (4) (kb) *Environmental aids — Menomonee river conservation project*. Biennially, from the general fund, the amounts in the schedule for funding under 1989 Wisconsin Act (this act), section 3040 (11h) (b). No money may be encumbered from the appropriation under this paragraph after June 30, 1991.

SECTION 338at. 20.370 (4) (kc) of the statutes is created to read:

20.370 (4) (kc) *Environmental aids — municipal water supply technology*. Biennially, from the general fund, the amounts in the schedule for municipal water supply technology pilot project grants under 1989 Wisconsin Act (this act), section 3040 (3p). No money may be encumbered from the appropriation under this paragraph after June 30, 1991.

SECTION 338az. 20.370 (4) (kd) of the statutes is created to read:

20.370 (4) (kd) *Environmental aids — toxic metal by-products*. Biennially, from the general fund, the amounts in the schedule for toxic metal by-product recycling or reuse grants under 1989 Wisconsin Act (this act), section 3040 (3j). No moneys may be encumbered from the appropriation under this paragraph after June 30, 1991.

~~SECTION 338ba. 20.370 (4) (ke) of the statutes is created to read:~~

~~20.370 (4) (ke) *Environmental aids — wastewater treatment facility expansion*. Biennially, from the general fund, the amounts in the schedule for payment to a town sanitary district for expansion of the wastewater treatment facility at the Wisconsin veterans home at King under 1989 Wisconsin Act (this act), section 3040 (2n). No moneys may be encumbered from this appropriation after June 30, 1991.~~

Vetoed
in Part

~~SECTION 338bd. 20.370 (4) (kf) of the statutes is created to read:~~

~~20.370 (4) (kf) *Environmental aids — radium removal grants*. Biennially, from the general fund, the amounts in the schedule for radium removal technology pilot project grants under 1989 Wisconsin Act (this act), section 3040 (3r). No money may be encumbered from the appropriation under this paragraph after June 30, 1991.~~

Vetoed
in Part

SECTION 338be. 20.370 (4) (Lq) of the statutes is created to read:

20.370 (4) (Lq) *Recreation aids — state park building restoration*. As a continuing appropriation, the amounts in the schedule for grants for the restoration and maintenance of the Seth Peterson cottage located in Mirror Lake state park.

SECTION 338bf. 20.370 (4) (ma) of the statutes is created to read:

20.370 (4) (ma) *General fund supplement to clean water fund.* From the general fund, the amounts in the schedule to be transferred to the clean water fund.

~~SECTION 338bb. 20.370 (4) (na) of the statutes is created to read:~~

Vetoed
in Part

~~20.370 (4) (na) *Environmental aids — flood control techniques.* Biennially, from the general fund, the amounts in the schedule for the design of innovative flood control techniques under 1989 Wisconsin Act ... (this act), section 3040 (3f). No moneys may be encumbered from the appropriation under this paragraph after June 30, 1991.~~

SECTION 338bh. 20.370 (8) (iq) of the statutes is amended to read:

20.370 (8) (iq) *Natural resources magazine.* All moneys received from subscriptions and other revenues collected by the department under s. 29.21 generated by Wisconsin natural resources magazine, to be used to publish "Wisconsin natural resources" for its production, handling and distribution.

SECTION 338bj. 20.370 (8) (ir) of the statutes is created to read:

20.370 (8) (ir) *Promotional activities and publications.* All moneys received from subscriptions and other revenues generated by promotional activities, publications and magazines, except the Wisconsin natural resources magazine, to be used for these promotional activities, publications and magazines. Notwithstanding s. 20.001 (3) (c), if the balance in this appropriation exceeds \$250,000 on June 30 of any fiscal year, the amount in excess of \$250,000 shall lapse to the conservation fund.

SECTION 338bm. 20.370 (8) (La) of the statutes is repealed.

SECTION 338bt. 20.370 (8) (Lc) of the statutes is repealed.

SECTION 338bz. 20.370 (8) (Ld) of the statutes is renumbered 20.370 (8) (ba) and amended to read:

20.370 (8) (ba) (title) *Facilities — general fund.* As a continuing appropriation, from the general fund, the amounts in the schedule for the acquisition, development and construction costs of new structures and buildings and for the improvement maintenance costs of existing structures and buildings under the control of the department.

SECTION 338ca. 20.370 (8) (Lr) of the statutes is repealed.

SECTION 338cc. 20.370 (8) (Lt) of the statutes is renumbered 20.370 (8) (br) and amended to read:

20.370 (8) (br) (title) *Facilities — conservation fund.* As a continuing appropriation, the amounts in the schedule for the acquisition, development and construction costs of new structures and buildings and for the improvement maintenance costs of existing structures and buildings under the control of the department.

SECTION 338ce. 20.370 (8) (mm) of the statutes is repealed.

SECTION 338ck. 20.370 (8) (mv) of the statutes is amended to read:

20.370 (8) (mv) (title) *General program operations — environmental fund.* From the groundwater environmental fund, the amounts in the schedule for the general administration and field administration of the department.

SECTION 338cL. 20.370 (8) (my) of the statutes is repealed.

SECTION 338cm. 20.395 (1) (ar) of the statutes is created to read:

20.395 (1) (ar) *Corrections of transportation aid payments.* A sum sufficient to make the corrections of transportation aid payments under s. 86.30 (2) (f) 1.

SECTION 338cn. 20.395 (1) (as) of the statutes is created to read:

20.395 (1) (as) *Reimbursement for Valders, state funds.* The amounts in the schedule to make the payment under 1989 Wisconsin Act ... (this act), section 3053 (5n). No moneys may be encumbered from this appropriation after December 31, 1989.

SECTION 338cnm. 20.395 (1) (at) of the statutes is created to read:

20.395 (1) (at) *Reimbursement for Bear Creek, state funds.* The amounts in the schedule to make the payments under 1989 Wisconsin Act ... (this act), section 3053 (5p). No moneys may be encumbered from this appropriation after December 31, 1989.

SECTION 338cp. 20.395 (1) (by) of the statutes is created to read:

20.395 (1) (by) *Employment transit aids, federal funds.* All moneys received from the federal government for the employment transit assistance program under s. 85.26, for that purpose.

SECTION 338cs. 20.395 (1) (bz) of the statutes is created to read:

20.395 (1) (bz) *Employment transit aids, federal oil overcharge funds.* All moneys transferred from the appropriation under s. 20.505 (1) (md) to this appropriation for the employment transit assistance program under s. 85.26, for that purpose.

SECTION 338cv. 20.395 (1) (dr) of the statutes is renumbered 20.395 (1) (fu).

SECTION 338cz. 20.395 (1) (ft) of the statutes is amended to read:

20.395 (1) (ft) *Lift bridge aids, state funds.* The Biennially, the amounts in the schedule to make payments for lift bridges on connecting highways for purposes of s. 86.32 (2).

SECTION 338da. 20.395 (2) (aq) of the statutes is repealed and recreated to read:

20.395 (2) (aq) *Accelerated local bridge improvement assistance, state funds.* As a continuing appropriation, the amounts in the schedule for local bridge construction and reconstruction under s. 84.11.

SECTION 338dc. 20.395 (2) (av) of the statutes is repealed and recreated to read:

20.395 (2) (av) *Accelerated local bridge improvement assistance, local funds.* All moneys received from any local unit of government for purposes of local bridge construction and reconstruction under s. 84.11, for such purposes.

SECTION 338df. 20.395 (2) (ax) of the statutes is repealed and recreated to read:

20.395 (2) (ax) *Accelerated local bridge improvement assistance, federal funds.* All moneys received from the federal government for purposes of local bridge construction and reconstruction under s. 84.11, for such purposes.

SECTION 338dm. 20.395 (2) (bq) of the statutes is amended to read:

20.395 (2) (bq) *Railroad facilities acquisition and railroad rehabilitation, state funds.* As a continuing appropriation, the amounts in the schedule for abandoned rail property and rail property improvements acquisition under s. 85.09, for grants under s. 85.063 (3) or 85.08 (4m) (c) and (d) and (f), for capital advances under s. 85.08 (4m) (e), and for railroad planning and technical assistance under s. 85.08 (4) and for loans under s. 85.08 (4m) (f). The amounts expended for loans grants under s. 85.08 (4m) (f) may not exceed \$300,000 annually.

SECTION 338dmm. 20.395 (2) (br) of the statutes is created to read:

20.395 (2) (br) *Amtrak service demonstration project, state funds.* Biennially, the amounts in the schedule for purposes of the Amtrak service demonstration project under 1989 Wisconsin Act (this act), section 3053 (7x).

SECTION 338do. 20.395 (2) (cq) of the statutes is amended to read:

20.395 (2) (cq) (title) *Harbor assistance grants, state funds.* As a continuing appropriation, the amounts in the schedule for harbor assistance under s. 85.095 (2) (a) and ferry service assistance under s. 85.095 (4), except that no more than \$100,000 may be expended for ferry service assistance.

SECTION 338dt. 20.395 (2) (dq) of the statutes is amended to read:

20.395 (2) (dq) *Local airport development, state funds.* As a continuing appropriation, the amounts in the schedule for the state's share of airport projects under ss. 114.34 and 114.35 and, for developing air marking and other air navigational facilities and for the purpose of 1989 Wisconsin Act (this act), section 3053 (2n).

SECTION 338dz. 20.395 (2) (dq) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

20.395 (2) (dq) *Local airport development, state funds.* As a continuing appropriation, the amounts in the schedule for the state's share of airport projects under ss. 114.34 and 114.35 and for developing air marking and other air navigational facilities.

SECTION 338ea. 20.395 (2) (eq) of the statutes is amended to read:

20.395 (2) (eq) *Highway and local bridge improvement assistance, state funds.* As a continuing appropriation, the amounts in the schedule for bridge development, construction and rehabilitation under s. 84.18, for the development and construction of bridges under ss. ~~84.11, 84.12 and 84.17, for payments to local units of government for jurisdictional transfers under s. 84.16 and for the improvement of the state trunk highway system under 1985 Wisconsin Act 341, section 6 (1), except that no more than \$200,000 annually may be expended for the development and construction of bridges under ss. 84.11, 84.12 and 84.17.~~

SECTION 338ez. 20.395 (2) (ev) of the statutes is amended to read:

20.395 (2) (ev) *Local bridge improvement assistance, local funds.* All moneys received from any local unit of government or other source for improving bridges under ss. ~~84.11, 84.12, 84.17 and 84.18, for such purposes.~~

SECTION 338fa. 20.395 (2) (ex) of the statutes is amended to read:

20.395 (2) (ex) *Local bridge improvement assistance, federal funds.* All moneys received from the federal government for improving bridges under ss. ~~84.11, 84.12, 84.17 and 84.18, for such purposes.~~

SECTION 338fc. 20.395 (2) (gq) of the statutes is amended to read:

20.395 (2) (gq) *Railroad crossing improvement and protection assistance, state funds.* The amounts in the schedule to pay the costs for railroad crossing protection improvements under s. 195.28 (2) and railroad crossing protection maintenance under s. 195.28 (3).

SECTION 338ff. 20.395 (2) (gs) of the statutes is amended to read:

20.395 (2) (gs) *Railroad crossing repair assistance, state funds.* The As a continuing appropriation, the amounts in the schedule for reimbursement of railroads under s. 86.13 (5).

SECTION 338fz. 20.395 (2) (hq) of the statutes is created to read:

20.395 (2) (hq) *Transit corridor study ~~grants~~, state funds.* As a continuing appropriation, the amounts in the schedule to make transit corridor study grants under s. 85.022.

SECTION 338ga. 20.395 (3) (bq) of the statutes is amended to read:

20.395 (3) (bq) *Major highway development, state funds.* As a continuing appropriation, the amounts in the schedule for major development of state trunk and connecting highways and, before July 1, 1995, for the disadvantaged business demonstration and training program under s. 84.076.

SECTION 338gb. 20.395 (3) (bv) of the statutes is amended to read:

Vetoed
in Part

20.395 (3) (bv) *Major highway development, local funds.* All moneys received from any local unit of government or other source for major development of state trunk and connecting highways, including the railroad and utility alteration and relocation loan program under s. 84.065, and, before July 1, 1995, the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 338gd. 20.395 (3) (bx) of the statutes is amended to read:

20.395 (3) (bx) *Major highway development, federal funds.* All moneys received from the federal government for major development of state trunk and connecting highways and, before July 1, 1995, the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 338gm. 20.395 (3) (cq) of the statutes is amended to read:

20.395 (3) (cq) *Existing highway improvement, state funds.* As a continuing appropriation, the amounts in the schedule for improvement of existing state trunk and connecting highways, except the national system of interstate and defense highways, for payment to a local unit of government for a jurisdictional transfer under s. 84.02 (8) and, before July 1, 1995, for the disadvantaged business demonstration and training program under s. 84.076.

SECTION 338gn. 20.395 (3) (cv) of the statutes is amended to read:

20.395 (3) (cv) *Existing highway improvement, local funds.* All moneys received from any local unit of government or other source for the information sign program under s. 86.195, for improvement of existing state trunk and connecting highways, except the national system of interstate and defense highways, including the railroad and utility alteration and relocation loan program under s. 84.065, and, before July 1, 1995, for the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 338go. 20.395 (3) (cx) of the statutes is amended to read:

20.395 (3) (cx) *Existing highway improvement, federal funds.* All moneys received from the federal government for improvement of existing state trunk and connecting highways, except the national system of interstate and defense highways, and, before July 1, 1995, for the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 338ha. 20.395 (3) (dq) of the statutes is amended to read:

20.395 (3) (dq) *Improvement of state bridges, state funds.* As a continuing appropriation, the amounts in the schedule for improvement of bridges on state trunk or connecting highways and other bridges for which improvement is a state responsibility, for necessary approach work for such bridges, for replacement of such bridges with at-grade crossing improvements

and, before July 1, 1995, for the disadvantaged business demonstration and training program under s. 84.076. This paragraph does not apply to bridges on the national system of interstate and defense highways.

SECTION 338hc. 20.395 (3) (dv) of the statutes is amended to read:

20.395 (3) (dv) *Improvement of state bridges, local funds.* All moneys received from any local unit of government or other source for improvement of bridges on state trunk or connecting highways and other bridges for which improvement is a state responsibility, for necessary approach work for such bridges and for replacement of such bridges with at-grade crossing improvements, including the railroad and utility alteration and relocation loan program under s. 84.065, and, before July 1, 1995, for the disadvantaged business demonstration and training program under s. 84.076, for such purposes. This paragraph does not apply to bridges on the national system of interstate and defense highways.

SECTION 338hd. 20.395 (3) (dx) of the statutes is amended to read:

20.395 (3) (dx) *Improvement of state bridges, federal funds.* All moneys received from the federal government for improvement of bridges on state trunk or connecting highways and other bridges for which improvement is a state responsibility, for necessary approach work for such bridges and for replacement of such bridges with at-grade crossing improvements and, before July 1, 1995, for the disadvantaged business demonstration and training program under s. 84.076, for such purposes. This paragraph does not apply to bridges on the national system of interstate and defense highways.

~~SECTION 338h. 20.395 (3) (eq) of the statutes is amended to read:~~

~~20.395 (3) (eq) *General and winter highway maintenance and repair, state funds.* Biennially, the amounts in the schedule for the maintenance and repair under ss. 84.04, 84.07 and 84.10. This paragraph does not apply to special maintenance and highway traffic operations. In fiscal year 1990-91, \$70,000 shall be transferred to s. 20.370 (1) (fk).~~

SECTION 338hm. 20.395 (3) (fq) of the statutes is amended to read:

20.395 (3) (fq) *Special highway maintenance, state funds.* As a continuing appropriation, the amounts in the schedule for special maintenance activities under s. 84.07 on state trunk highways, roadside improvements under s. 84.04 and bridges under s. 84.10 and, before July 1, 1995, for the disadvantaged business demonstration and training program under s. 84.076.

SECTION 338hn. 20.395 (3) (fv) of the statutes is amended to read:

20.395 (3) (fv) *Special highway maintenance, local funds.* All moneys received from any local unit of government or other source for special maintenance activities under s. 84.07 on state trunk highways, roadside

Vetoed
in Part

improvements under s. 84.04 and bridges under s. 84.10 and, before July 1, 1995, for the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 338hr. 20.395 (3) (fx) of the statutes is amended to read:

20.395 (3) (fx) *Special highway maintenance, federal funds.* All moneys received from the federal government for special highway maintenance under s. 84.07 on state trunk highways, roadside improvements under s. 84.04 and bridges under s. 84.10 and, before July 1, 1995, for the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 338ht. 20.395 (3) (gv) of the statutes is amended to read:

20.395 (3) (gv) *Interstate construction and rehabilitation, local funds.* All moneys received from any local unit of government or other source for the construction and rehabilitation of the national system of interstate and defense highways and bridges and related appurtenances, including the railroad and utility alteration and relocation loan program under s. 84.065, for such purposes.

SECTION 338ia. 20.395 (3) (hq) of the statutes is amended to read:

20.395 (3) (hq) *Highway traffic operations, state funds.* ~~The Biennially,~~ the amounts in the schedule for highway operations such as permit issuance, pavement marking, highway signing, traffic signalization and highway lighting under ss. 84.04, 84.07, 84.10, 348.25, 348.26 and 348.27 and ch. 349 and, before July 1, 1995, for the disadvantaged business demonstration and training program under s. 84.076.

SECTION 338ii. 20.395 (3) (hv) of the statutes is amended to read:

20.395 (3) (hv) *Highway traffic operations, local funds.* All moneys received from any local unit of government or other sources for highway operations such as permit issuance, pavement marking, highway signing, traffic signalization and highway lighting under ss. 84.04, 84.07, 84.10, 348.25, 348.26 and 348.27 and ch. 349 and, before July 1, 1995, for the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 338ik. 20.395 (3) (hx) of the statutes is amended to read:

20.395 (3) (hx) *Highway traffic operations, federal funds.* All moneys received from the federal government for highway operations such as permit issuance, pavement marking, highway signing, traffic signalization and highway lighting under ss. 84.04, 84.07, 84.10, 348.25, 348.26 and 348.27 and ch. 349 and, before July 1, 1995, for the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

SECTION 338ja. 20.395 (4) (aq) of the statutes is amended to read:

20.395 (4) (aq) (title) *Departmental management and operations, state funds.* The amounts in the schedule for departmental planning and administrative activities and the administration and management of departmental programs except those programs under sub. (3) (iq), including those activities in s. 85.07 and including \$220,000 in each fiscal year to reimburse the department of justice for legal services provided the department under s. 165.25 (4) (a) and including the ride-sharing program under s. 85.24 ~~and~~, the minority civil engineer scholarship and loan repayment incentive grant program under s. 85.107 and the Type 1 motorcycle, moped and motor bicycle safety program under s. 85.30.

SECTION 338js. 20.395 (4) (es) of the statutes is amended to read:

20.395 (4) (es) *Other department services, operations, service funds.* All moneys received as payment for graphic, audiovisual, printing production and aircraft fleet services for costs associated with these operations relating to materials and equipment purchases and other such direct costs as the department deems appropriate.

SECTION 338jt. 20.395 (4) (gq) of the statutes is repealed.

SECTION 339m. 20.395 (5) (ch) of the statutes is repealed.

SECTION 339ma. 20.395 (5) (cj) of the statutes is created to read:

20.395 (5) (cj) *Vehicle registration, license plate scholarship programs, state funds.* All moneys received under s. 341.14 (6r) (b) 3, for the production, issuance and renewal of the plates specified under s. 341.14 (6r) (f) 35 to 47.

SECTION 339mg. 20.395 (9) (gg) of the statutes is created to read:

20.395 (9) (gg) *Credit card use charges.* All moneys received under ch. 194, 218, 341, 342, 343 or 348 as provided in s. 85.14 (1) (a) that are required to be paid to the state treasurer under s. 85.14 (1) (b) for the purpose of the payment of charges associated with the use of credit cards that are assessed to the department under s. 85.14 (1) (b).

SECTION 339mr. 20.395 (9) (th) of the statutes is created to read:

20.395 (9) (th) *Temporary funding of projects financed by revenue bonds.* A sum sufficient to provide initial, temporary funding for any project to be financed under s. 84.59 which is a major highway project enumerated under s. 84.013 (3) or a project under s. 84.01 (28) approved under s. 13.48 (10). The department shall keep a separate account of expenditures under this paragraph for each such project. As soon as moneys become available from the proceeds of the obligation issued under s. 84.59 to finance that project, an amount equal to the amounts expended under this paragraph shall be paid from those proceeds into the transportation fund.

Vetoed
in Part

SECTION 339n. 20.399 (1) (j) of the statutes is amended to read:

20.399 (1) (j) *Corps enrollee compensation and support, sponsor contribution.* All moneys received under agreements entered into under s. 16.20 (8) (i) with local units of government and nonprofit organizations, except moneys appropriated under sub. (2) (j), for the payment of the sponsor's share of costs for conservation projects including the payment of any corps enrollee compensation as specified in those agreements. Corps enrollee compensation includes the cost of salaries, benefits, incentive payments and vouchers.

SECTION 339p. 20.399 (1) (k) of the statutes is amended to read:

20.399 (1) (k) *Corps enrollee compensation and support, service funds.* All moneys received under agreements entered into under s. 16.20 (8) (i) with state agencies, except moneys appropriated under sub. (2) (k), for the payment of the sponsor's share of costs for conservation projects including the payment of any corps enrollee compensation as specified in those agreements. Corps enrollee compensation includes the cost of salaries, benefits, incentive payments and vouchers.

SECTION 339r. 20.399 (1) (m) of the statutes is amended to read:

20.399 (1) (m) *Corps enrollee compensation and support, federal funds.* All moneys received from the federal government as authorized under s. 16.54 from federal assistance for conservation projects including the payment of any corps enrollee compensation as specified in that assistance and all moneys received under agreements entered into under s. 16.20 (8) (i) with the federal government, except moneys received from these agreements which are appropriated under sub. (2) (m), for the payment of the federal government's share of costs for conservation projects including the payment of any corps enrollee compensation as specified in those agreements. Corps enrollee compensation includes the cost of salaries, benefits, incentive payments and vouchers.

SECTION 339t. 20.399 (1) (q) of the statutes is amended to read:

20.399 (1) (q) *Corps enrollee compensation and support, conservation fund.* As a continuing appropriation, from the conservation fund, the amounts in the schedule for the payment of corps enrollee compensation and for the payment of other costs for conservation projects activities if those costs are not paid by project sponsors. Corps enrollee compensation includes the cost of salaries, benefits, incentive payments and vouchers.

SECTION 339v. 20.399 (1) (r) of the statutes is amended to read:

20.399 (1) (r) *Corps enrollee compensation and support, transportation fund.* As a continuing appropriation, from the transportation fund, the amounts in the schedule for the payment of corps enrollee compensa-

tion and for the payment of other costs for conservation projects if those costs are not paid by project sponsors. Corps enrollee compensation includes the cost of salaries, benefits, incentive payments and vouchers. Vetoed in Part

SECTION 340. 20.410 of the statutes is created to read:

20.410 Corrections, department of. There is appropriated to the department of corrections for the following programs:

(1) CORRECTIONAL SERVICES.

(c) *Federal aid; foster care.* All federal moneys received for meeting the costs of providing foster care and institutional child care to delinquent children under ss. 48.553 (3) and 48.557, and for the cost of care for children under s. 49.19 (10) (d). All moneys received under this paragraph shall be deposited in the general fund as a nonappropriated receipt.

(9) GENERAL APPROPRIATIONS AND PROVISIONS. The following general provisions apply to the department of corrections:

(b) *Services to institutional employes.* The money received in reimbursement for services rendered institutional employes under s. 301.27 (1) shall be refunded to the respective appropriations from which the institution is funded. The reimbursements shall be accumulated in an account named "employe maintenance credits".

(c) *Witness fees of inmates.* The money received in reimbursement of expenses incurred in taking inmates of state institutions into court under s. 51.20 (18) or 782.45 shall be refunded to the appropriations made by sub. (1) (a) for operation of the institutions.

SECTION 340k. 20.433 (1) (a) of the statutes is created to read:

20.433 (1) (a) *Early childhood family education center grant; general program operations.* The amounts in the schedule for general program operations for the early childhood family education center grants awarded under s. 48.982 (6).

SECTION 340L. 20.433 (1) (b) of the statutes is created to read:

20.433 (1) (b) *Early childhood family education center grants.* The amounts in the schedule for early childhood family education center grants under s. 48.982 (6).

SECTION 341. 20.433 (1) (m) of the statutes is repealed and recreated to read:

20.433 (1) (m) *Federal project operations.* All moneys received from the federal government for the state administration of specific limited term projects to be expended for the purposes specified.

SECTION 342. 20.433 (1) (ma) of the statutes is created to read:

20.433 (1) (ma) *Federal project aids.* All moneys received from the federal government for specific limited term projects to be expended as aids to individuals or organizations for the purposes specified.

SECTION 343. 20.433 (1) (q) of the statutes is amended to read:

20.433 (1) (q) (title) *Children's trust fund grants*. From the children's trust fund, all moneys received as contributions, grants, gifts and bequests under s. 48.982 (2) (d), less the amounts appropriated under par. (r), to carry out the purposes for which made and received under s. 48.982 (2m) (a).

SECTION 344. 20.433 (1) (r) of the statutes is created to read:

20.433 (1) (r) *Children's trust fund; general program operations and statewide projects*. From the children's trust fund, the amounts in the schedule for actual and necessary operating costs of the child abuse and neglect prevention board under s. 48.982 (3) and for statewide projects under s. 48.982 (5).

SECTION 345. 20.435 (1) (a) of the statutes is amended to read:

20.435 (1) (a) *General program operations*. The amounts ~~included~~ in the schedule for general program operations, including health services regulation, administration and field services. ~~Of the amounts appropriated under this paragraph, if the department has first expended all federal moneys available for provision, at alternate testing sites, of anonymous counseling services and laboratory testing services for the presence of an antibody to the virus that causes acquired immunodeficiency syndrome, the department may, in state fiscal year 1988-89, expend up to \$164,800 for the provision of these services.~~

SECTION 345m. 20.435 (1) (al) of the statutes is created to read:

20.435 (1) (al) *Continuation coverage premium subsidies*. Biennially, the amounts in the schedule to make premium payments under s. 146.024.

SECTION 346. 20.435 (1) (am) of the statutes is amended to read:

20.435 (1) (am) *Acquired immunodeficiency syndrome services*. The amounts in the schedule for the purchase of services under s. 146.022 (2) (a) for individuals with respect to acquired immunodeficiency syndrome and related infections.

SECTION 346m. 20.435 (1) (ar) of the statutes is created to read:

20.435 (1) (ar) *AZT and pentamidine reimbursement*. The amounts in the schedule to reimburse or supplement the reimbursement, under s. 49.486, of the cost of AZT and pentamidine for individuals who have HIV infections.

SECTION 347. 20.435 (1) (b) of the statutes is amended to read:

20.435 (1) (b) *Medical assistance program benefits*. Biennially, the amounts in the schedule to provide the state share of medical assistance program benefits administered under s. 49.45, to fund the pilot project under s. 46.27 (9) and (10) and to provide benefits under ~~s. ss. 46.268 and 146.90~~ (4m) (a) 3. Notwith-

standing s. 20.002 (1), the department of health and social services may transfer from this appropriation to the appropriation under sub. (4) (7) (b) funds for the purposes specified under ss. 46.266 and 49.45 (6g) ~~and as provided under s. 46.40 (14)~~ and the department may transfer from this appropriation to the appropriation under sub. (7) (bc) funds for the purposes specified under s. 46.268.

SECTION 348. 20.435 (1) (bm) of the statutes is amended to read:

20.435 (1) (bm) *Medical assistance administration*. Biennially, the amounts in the schedule to provide the state share of administrative contract costs for the medical assistance program under s. 49.45. No state positions may be funded in the department of health and social services from this appropriation, except positions for the performance of duties under a contract in effect before January 1, 1987, related to the administration of the medical assistance program between the subunit of the department primarily responsible for administering the medical assistance program and another subunit of the department.

SECTION 349. 20.435 (1) (cc) of the statutes is amended to read:

20.435 (1) (cc) (title) *Cancer control and prevention*. The amounts in the schedule for cancer control and prevention grants under s. 146.027. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated by the department under s. 146.027 (2) 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 by the joint committee on finance.

SECTION 349g. 20.435 (1) (cf) of the statutes is created to read:

20.435 (1) (cf) *Rural cervical cancer treatment training*. The amounts in the schedule for grants to applying organizations for the provision of specialized training to perform, in rural areas, colposcopic examinations and follow-up activities under 1989 Wisconsin Act (this act), section 3023 (24z).

SECTION 349m. 20.435 (1) (cr) of the statutes is created to read:

20.435 (1) (cr) *Health care for migrant workers and families*. The amounts in the schedule for a grant for direct health care services to migrant workers and their families under s. 146.029.

SECTION 349p. 20.435 (1) (cu) of the statutes is created to read:

20.435 (1) (cu) *Lyme disease project*. Biennially, the amounts in the schedule for the establishment of Lyme disease projects under 1989 Wisconsin Act (this act), section 3023 (26w).

SECTION 349r. 20.435 (1) (dr) of the statutes is created to read:

Vetoed
in Part

20.435 (1) (dr) *Rural hospital loan program.* The amounts in the schedule to fund initial rural hospital loans under s. 146.62.

Vetoed
in Part

~~SECTION 349s. 20.435 (1) (eb) of the statutes is created to read:~~

~~20.435 (1) (eb) *Health center renovation.* The amounts in the schedule to renovate the health centers under 1989 Wisconsin Act ... (this act), section 3023 (30x).~~

SECTION 349t. 20.435 (1) (ef) of the statutes is created to read:

Vetoed
in Part

20.435 (1) (ef) *Lead-poisoning or lead-exposure services.* The amounts in the schedule for the purposes of providing hematofluorometers and X-ray fluorescence instruments, for testing houses suspected of containing lead-bearing paint and for funding the removal of lead-bearing paint from houses under s. 151.09 (7).

Vetoed
in Part

~~SECTION 349v. 20.435 (1) (eh) of the statutes is created to read:~~

~~20.435 (1) (eh) *Adolescent health services.* Biennially, the amounts in the schedule for the provision of adolescent health services under s. 146.19.~~

SECTION 350. 20.435 (1) (f) of the statutes is amended to read:

20.435 (1) (f) *Family planning.* The amounts in the schedule to provide family planning services under s. 146.80 and under 1989 Wisconsin Act (this act), section 3023 (22b). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated by the department under s. 146.80 (2) (b) 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 by the joint committee on finance.

Vetoed
in Part

~~SECTION 350g. 20.435 (1) (fg) of the statutes is created to read:~~

~~20.435 (1) (fg) *Family health benefits counseling.* The amounts in the schedule for grants for provision of family health benefits counseling under s. 146.94 (1) and for administration of the grants under s. 146.94 (2).~~

Vetoed
in Part

~~SECTION 350m. 20.435 (1) (fm) of the statutes is created to read:~~

~~20.435 (1) (fm) *Primary health care services.* Biennially, the amounts in the schedule for the purchase of primary health care services under s. 146.93.~~

Vetoed
in Part

~~SECTION 350r. 20.435 (1) (fr) of the statutes is created to read:~~

~~20.435 (1) (fr) *Preventive health screening for children.* The amounts in the schedule for grants for provision of preventive health screening for children under s. 146.95 (1).~~

SECTION 351. 20.435 (1) (g) of the statutes is created to read:

20.435 (1) (g) *Nursing facility resident protection.* The amounts in the schedule to finance nursing facil-

ity resident protection under s. 49.499. All moneys received from the penalty assessment surcharges on forfeitures that are levied by the department under s. 49.498 (16) (c) 1, 2 and 3 and the interest under s. 49.498 (16) (d) shall be credited to this appropriation.

SECTION 352. 20.435 (1) (gm) of the statutes is amended to read:

20.435 (1) (gm) (title) *Licensing, review and certifying activities.* The amounts in the schedule for the purposes specified in ss. 50.50 to 50.85, 140.05 (17), 140.051, 140.06 (5) and (8), 140.45 (6), 140.50 to 140.60, 140.86, 141.15 (2) (b), 143.15 (7) and 146.24 and ch. 150. All moneys received under ss. 50.50 to 50.85, 140.05 (17), 140.051 (3), 140.06 (5) and (8), 140.45 (6), 140.50 to 140.60, 140.85, 140.86, 141.15 (2) (b), 143.15 (7), 146.24 and 150.13 shall be credited to this appropriation.

SECTION 353. 20.435 (1) (gp) of the statutes is amended to read:

20.435 (1) (gp) (title) *Health care; aids.* All moneys received under s. 146.99, less the amounts appropriated under par. (gq), to fund certain administrative costs for the state health insurance program under s. 146.90 and the be used for purchase of primary health care programs services under s. 146.93.

SECTION 354. 20.435 (1) (gq) of the statutes is created to read:

20.435 (1) (gq) *Health care; operations.* From all moneys received under s. 146.99, the amounts in the schedule to be used for certain administrative costs for the state health insurance program under s. 146.90.

SECTION 354c. 20.435 (1) (gr) of the statutes is created to read:

20.435 (1) (gr) *Rural hospital loan program.* All moneys received from repayments of loans under par. (dr), for other loans under the rural hospital loan program under s. 146.62.

SECTION 355. 20.435 (1) (ja) of the statutes is amended to read:

20.435 (1) (ja) (title) *Congenital disorders; diagnosis, special dietary treatment and counseling.* The amounts in the schedule to provide diagnostic services, special dietary treatment and follow-up counseling for congenital disorders and periodic evaluation of infant screening programs as specified under s. 146.02. All moneys received by the department under s. 146.02 (2), less the amounts appropriated under par. (jb), shall be credited to this appropriation.

SECTION 356. 20.435 (1) (jb) of the statutes is created to read:

20.435 (1) (jb) *Congenital disorders; operations.* From all moneys received under s. 146.02 (2), the amounts in the schedule to be used for the costs of consulting with appropriate experts as specified in s. 146.02 (5).

SECTION 356m. 20.435 (1) (q) of the statutes is amended to read:

20.435 (1) (q) *Groundwater — standards; implementation.* From the ~~groundwater environmental~~ fund, the amounts in the schedule to develop groundwater standards and implement ch. 160.

Vetoed
in Part

~~SECTION 356t. 20.435 (1) (q) of the statutes is created to read:~~

~~20.435 (1) (r) *Facility deficit grants.* From the lottery fund, the amounts in the schedule for grants for the reduction of operating deficits under s. 49.45 (6v) (b).~~

SECTION 356t. 20.435 (2) (b) of the statutes is created to read:

20.435 (2) (b) *Wisconsin resource center.* The amounts in the schedule for general program operations of the Wisconsin resource center.

SECTION 357. 20.435 (2) (f) of the statutes is amended to read:

20.435 (2) (f) (title) *Utilities, fuel, heating and cooling.* The amounts in the schedule to pay for ~~the use of electricity and water and sewage service and to cover the cost of coal or other fuels used for space heating, including freight charges and local hauling charges where applicable. Coal or fuel oil purchases under this paragraph shall be purchased under s. 16.71 (1). Payments for coal purchased under this paragraph shall be made as provided in s. 16.91 utilities and for fuel, heat and air conditioning and costs incurred under s. 16.895 by or on behalf of the department at mental health institutes and centers for the developmentally disabled.~~

SECTION 358. 20.435 (2) (gk) of the statutes is amended to read:

20.435 (2) (gk) *Institutional operations and charges.* The amounts in the schedule for care provided by the centers for the developmentally disabled to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after July 1, 1978, in accordance with s. 51.437 (4rm) (c), for care provided by the mental health institutes, to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after January 1, 1979, in accordance with s. 51.42 (3) (as) 2, for maintenance of state-owned housing at centers for the developmentally disabled and mental health institutes, and for reimbursing the total cost of using, producing and providing services, products and care. All moneys received as payments from medical assistance on and after August 1, 1978, as payments from all other sources including other payments under s. 46.10 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978, as medical assistance payments, other payments under s. 46.10 and payments under s. 51.42 (3) (as) 2 received on and after January 1, 1979, and as payments for the rental of state-owned housing and other institutional facilities at centers for the developmentally disabled and mental health institutes, for the sale of ~~utilities~~ electricity, steam or chil-

led water and for other services, products and care shall be credited to this appropriation, except that any payment under s. 46.10 received for the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20 for which the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9) (d) or (e) for which the state is liable under s. 55.05 (1), of forensic patients committed under ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of patients transferred from a state prison under s. 51.37 (5), to Mendota mental health institute or Winnebago mental health institute shall be treated as general purpose revenue — earned, as defined under s. 20.001 (4). Whenever the unencumbered balance of the portions of this appropriation pertaining to farm operations plus the portions of the appropriation under sub. (3) (kk) pertaining to farm operations totals \$200,000 on June 30 of any year, the excess shall revert to the general fund.

SECTION 359. 20.435 (2) (gk) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

20.435 (2) (gk) *Institutional operations and charges.* The amounts in the schedule for care provided by the centers for the developmentally disabled to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after July 1, 1978, in accordance with s. 51.437 (4rm) (c), for care provided by the mental health institutes, to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after January 1, 1979, in accordance with s. 51.42 (3) (as) 2, for maintenance of state-owned housing at centers for the developmentally disabled and mental health institutes, and for reimbursing the total cost of using, producing and providing services, products and care. All moneys received as payments from medical assistance on and after August 1, 1978, as payments from all other sources including other payments under s. 46.10 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978, as medical assistance payments, other payments under s. 46.10 and payments under s. 51.42 (3) (as) 2 received on and after January 1, 1979, and as payments for the rental of state-owned housing and other institutional facilities at centers for the developmentally disabled and mental health institutes, for the sale of electricity, steam or chilled water and for other services, products and care shall be credited to this appropriation, except that any payment under s. 46.10 received for the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20 for which the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9) (d) or (e) for which the state is liable under s. 55.05 (1), of forensic patients committed under ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of patients transferred from a state prison under s. 51.37 (5), to Mendota mental health institute or Winnebago

mental health institute shall be treated as general purpose revenue — earned, as defined under s. 20.001 (4).

SECTION 360. 20.435 (3) (title) of the statutes is repealed.

Vetoed in Part SECTION 360m. 20.435 (3) (a) of the statutes is amended to read:

20.435 (3) (a) *General program operations.* The amounts in the schedule to operate institutions and provide field services and administrative services ~~unrelated to probation and parole.~~ No payments may be made under this paragraph for payments in accordance with other states party to the interstate corrections compact under s. 53.25.

SECTION 361. 20.435 (3) (a) of the statutes, as affected by 1989 Wisconsin Act ..., (this act), is renumbered 20.410 (1) (a) and amended to read:

Vetoed in Part 20.410 (1) (a) *General program operations.* The amounts in the schedule to operate institutions and provide field and administrative services unrelated to probation and parole. No payments may be made under this paragraph for payments in accordance with other states party to the interstate corrections compact under s. ~~53.25~~ 302.25.

SECTION 362. 20.435 (3) (aa) of the statutes is renumbered 20.410 (1) (aa) and amended to read:

20.410 (1) (aa) *Institutional repair and maintenance.* The amounts in the schedule for the purposes of sub. (9) (aa) repair and maintenance expenses of the institutions. Expenditures for materials, supplies, equipment and contracts for services involving the repair and maintenance of structures and equipment, excluding vehicles, shall be made from this appropriation.

SECTION 363. 20.435 (3) (ab) of the statutes is renumbered 20.410 (1) (ab) and amended to read:

20.410 (1) (ab) *Intergovernmental corrections agreements.* The amounts in the schedule for payments made in accordance with contracts entered into with other states party to the interstate corrections compact under s. ~~53.25~~ 302.25, including payments in accordance with contracts entered into under s. ~~46.051~~ 301.21, and for payments for placements under s. ~~53.27~~ 302.27.

SECTION 364. 20.435 (3) (am) of the statutes is renumbered 20.410 (1) (am).

SECTION 364g. 20.435 (3) (b) of the statutes is created to read:

Vetoed in Part 20.435 (3) (b) ~~Community corrections operations.~~

Vetoed in Part The amounts in the schedule to provide services related to probation and parole. In addition to procedures available under s. 13.10, if the secretary of health and social services determines that an emergency situation exists, he or she may transfer moneys

Vetoed in Part from this paragraph to par. (a) ~~in the manner provided in this paragraph.~~ If the secretary proposes to transfer these moneys, the secretary shall notify the joint committee on finance in writing of the proposed transfer. The secretary may proceed with the proposed transfer if within 14 working days of the notification

the committee does not schedule a meeting for the purpose of reviewing the secretary's proposed transfer. If the committee schedules a meeting for the purpose of reviewing the proposed transfer, the transfer shall not take effect unless the committee approves the action. No payments may be made under this paragraph for payments in accordance with other states party to the interstate corrections compact under s. 53.25.

Vetoed in Part

SECTION 364gc. 20.435 (3) (b) of the statutes, as created by 1989 Wisconsin Act (this act), is renumbered 20.410 (1) (b) and amended to read:

~~20.410 (1) (b) Community corrections operations.~~ The amounts in the schedule to provide services related to probation and parole. In addition to procedures available under s. 13.10, if the secretary of health and social services ~~corrections~~ determines that an emergency situation exists, he or she may transfer moneys from this paragraph to par. (a) in the manner provided in this paragraph. If the secretary proposes to transfer these moneys, the secretary shall notify the joint committee on finance in writing of the proposed transfer. The secretary may proceed with the proposed transfer if within 14 working days of the notification the committee does not schedule a meeting for the purpose of reviewing the secretary's proposed transfer. If the committee schedules a meeting for the purpose of reviewing the proposed transfer, the transfer shall not take effect unless the committee approves the action. No payments may be made under this paragraph for payments in accordance with other states party to the interstate corrections compact under s. ~~53.25~~ 302.25.

Vetoed in Part

SECTION 365. 20.435 (3) (c) of the statutes is renumbered 20.410 (1) (c).

SECTION 366. 20.435 (3) (d) of the statutes is renumbered 20.410 (1) (d) and amended to read:

20.410 (1) (d) *Purchased services for offenders.* The amounts in the schedule for the purchase of goods, care and services, authorized under s. ~~46.03 (17) (e)~~ 301.08 (1) (b) 1, for probationers, parolees and other offenders, except as provided in par. (dd). In addition, funds from this appropriation shall be used to reimburse programs under s. 38.04 (12).

SECTION 367. 20.435 (3) (dd) of the statutes is renumbered 20.410 (1) (dd) and amended to read:

20.410 (1) (dd) *Special living arrangements.* The amounts in the schedule for the purchase of services, authorized under s. ~~46.03 (17) (e)~~ 301.08 (1) (b) 1, for community-based residential facilities designated for correctional clients.

SECTION 368. 20.435 (3) (e) of the statutes is renumbered 20.410 (1) (e).

SECTION 369. 20.435 (3) (ec) of the statutes is renumbered 20.410 (1) (ec) and amended to read:

20.410 (1) (ec) *Prison industries principal, interest and rebates.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, development,

enlargement or improvement of equipment used in prison industries as authorized under s. 20.866 (2) ~~(wa)~~ (uy) if the moneys credited under par. (km) and appropriated under par. (ko) are insufficient, and to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m) if the appropriation under par. (ko) is insufficient to make full payment of those amounts.

SECTION 370. 20.435 (3) (ef) of the statutes is renumbered 20.410 (1) (ef) and amended to read:

20.410 (1) (ef) *Lease rental payments.* A sum sufficient to pay the rentals required to be made on correctional facilities under leases entered into under s. ~~46.035~~ 301.235.

SECTION 371. 20.435 (3) (f) of the statutes is amended to read:

20.435 (3) (f) (title) *Utilities, fuel, heating and cooling.* The amounts in the schedule to pay for ~~the use of electricity and water and sewage service and to cover the cost of coal or other fuels used for space heating, including freight charges and local hauling charges where applicable. Coal or fuel oil purchases under this paragraph shall be purchased under s. 16.71. Payments for coal purchased under this paragraph shall be made as provided in s. 16.94 utilities and for fuel, heat and air conditioning and costs incurred under s. 16.895 by or on behalf of the department at state correctional institutions.~~

SECTION 372. 20.435 (3) (f) of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 20.410 (1) (f).

SECTION 373. 20.435 (3) (g) of the statutes is renumbered 20.410 (1) (g) and amended to read:

20.410 (1) (g) *Probationer and parolee loan fund.* The amounts in the schedule for the purposes specified in ss. ~~46.07 (2) and 57.075~~ 301.32 (3) and 304.075. All moneys received belonging to absconding probationers and parolees under ss. ~~46.07 (2) and 57.075~~ 301.32 (3) and 304.075 shall be credited to this appropriation.

SECTION 374. 20.435 (3) (gb) of the statutes is renumbered 20.410 (1) (gb) and amended to read:

20.410 (1) (gb) *Drug testing.* All moneys received from probation and parole clients who are required to pay for their drug testing, as prescribed by rule in accordance with s. ~~46.03 (6) (e)~~ 301.03 (3), for expenditures related to the drug testing program for probationers and parolees under s. ~~46.03 (6) (e)~~ 301.03 (3).

SECTION 375. 20.435 (3) (gg) of the statutes is amended to read:

20.435 (3) (gg) (title) *Supervision of defendants and offenders.* The amounts in the schedule for providing supervision under s. 46.03 (6) (i) as a condition of release for persons charged with a crime and for providing electronic monitoring services under s. 46.038. All moneys received under s. ~~ss.~~ 46.03 (6) (i) and 46.038 shall be credited to this appropriation.

SECTION 376. 20.435 (3) (gg) of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 20.410 (1) (gg) and amended to read:

20.410 (1) (gg) (title) *Supervision of defendants and offenders.* The amounts in the schedule for providing supervision under s. ~~46.03 (6) (i)~~ 301.03 (7m) as a condition of release for persons charged with a crime and for providing electronic monitoring services under s. ~~46.038~~ 301.35. All moneys received under ss. ~~46.03 (6) (i) and 46.038~~ 301.03 (7m) and 301.135 shall be credited to this appropriation.

SECTION 377. 20.435 (3) (gm) of the statutes is created to read:

20.435 (3) (gm) *Sale of fuel and utility service.* The amounts in the schedule for fuel, water, sewage treatment service, electricity, heat or chilled water provided to entities outside the department at correctional facilities. All moneys received from the sale of those materials or services at correctional facilities to entities outside the department under s. 16.93 (2) shall be credited to this appropriation.

SECTION 378. 20.435 (3) (gm) of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 20.410 (1) (gm).

SECTION 379. 20.435 (3) (h) of the statutes is renumbered 20.410 (1) (h).

SECTION 380. 20.435 (3) (hm) of the statutes is renumbered 20.410 (1) (hm) and amended to read:

20.410 (1) (hm) *Juvenile correctional services.* Except as provided in ~~par. s. 20.435 (6) (ho)~~, the amounts in the schedule for juvenile correctional services specified in s. 46.26 (4) (d). All Except as provided in s. 20.435 (6) (hm), all moneys received in payment for juvenile correctional services specified in s. 46.26 (4) (d) shall be credited to this appropriation. If moneys generated by the monthly rate exceed actual fiscal year institutional costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year. Each county shall receive a proportionate share of the remittance depending on the total number of days of placement at juvenile correctional institutions. Counties shall use the funds for purposes specified in s. 46.26.

SECTION 381. 20.435 (3) (ho) of the statutes is renumbered 20.435 (6) (ho) and amended to read:

20.435 (6) (ho) (title) *Juvenile residential aftercare.* Under s. 46.26 (4) (e), the amounts in the schedule for providing foster care, group home care and institutional child care to delinquent children under ss. ~~48.48 (4) and (14), 48.52 48.553 (3), 48.557 and 49.19 (10) (d).~~ All moneys received in payment for providing foster care, group home care and institutional child care to delinquent children under ss. ~~48.48 (4) and (14), 48.52 48.553 (3), 48.557 and 49.19 (10) (d)~~ shall be credited to this appropriation. If moneys generated by the monthly rate exceed actual fiscal year foster care, group home care and institutional child care costs by 2% or more, all moneys in excess of 2% shall

be remitted to the counties during the subsequent calendar year. Each county shall receive a proportionate share of the remittance depending on the total number of days of placement in foster care, group home care or institutional child care.

SECTION 382. 20.435 (3) (i) of the statutes is renumbered 20.410 (1) (i) and amended to read:

20.410 (1) (i) *Gifts and grants.* ~~See sub. (9) (i) All moneys received from gifts, grants, donations and burial trusts for the execution of functions consistent with the purpose of the gift, grant, donation or trust.~~

SECTION 383. 20.435 (3) (j) of the statutes is renumbered 20.410 (1) (j).

SECTION 384. 20.435 (3) (jp) of the statutes is renumbered 20.410 (1) (jp) and amended to read:

20.410 (1) (jp) *Correctional officer training.* The amounts in the schedule to finance correctional officers training under s. 46.057 301.28. All moneys received from the penalty assessment surcharge on court fines and forfeitures as allocated under s. 165.87 (1) shall be credited to this appropriation.

SECTION 385. 20.435 (3) (kk) of the statutes is renumbered 20.410 (1) (kk).

SECTION 386. 20.435 (3) (km) of the statutes is renumbered 20.410 (1) (km).

SECTION 387. 20.435 (3) (ko) of the statutes is renumbered 20.410 (1) (ko) and amended to read:

20.410 (1) (ko) *Prison industries principal repayment, interest and rebates.* A sum sufficient from the moneys credited under par. (km) to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, development, enlargement or improvement of equipment used in prison industries as authorized under s. 20.866 (2) ~~(wa)~~ (uy) and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing such facilities.

SECTION 388. 20.435 (3) (kx) of the statutes is renumbered 20.410 (1) (kx).

SECTION 389. 20.435 (3) (ky) of the statutes is renumbered 20.410 (1) (ky).

SECTION 390. 20.435 (3) (kz) of the statutes is renumbered 20.410 (1) (kz).

SECTION 391. 20.435 (3) (m) of the statutes is renumbered 20.410 (1) (m) and amended to read:

20.410 (1) (m) *Federal project operations.* ~~See sub. (9) (m) All moneys received from the federal government or any of its agencies for the state administration of specific limited term projects to be expended for the purposes specified.~~

SECTION 392. 20.435 (3) (n) of the statutes is renumbered 20.410 (1) (n) and amended to read:

20.410 (1) (n) *Federal program operations.* ~~See sub. (9) (n) All moneys received from the federal government or any of its agencies for the state administration of continuing programs to be expended for the purposes specified.~~

SECTION 393. 20.435 (3) (o) of the statutes is renumbered 20.435 (6) (o) and amended to read:

20.435 (6) (o) *Federal aid; foster care.* All federal moneys received for meeting the costs of providing foster care and institutional child care to delinquent children under ss. 48.48 (4) and (14) and 48.52 48.553 (3) and 48.557, and for the cost of care for children under s. 49.19 (10) (d). ~~Beginning July 1, 1983, all~~ All moneys received under this section paragraph shall be deposited in the general fund as a nonappropriated receipt.

SECTION 394. 20.435 (4) (title) of the statutes is renumbered 20.435 (6) (title) and amended to read:

20.435 (6) (title) COMMUNITY SERVICES; STATE OPERATIONS.

SECTION 395. 20.435 (4) (a) of the statutes is renumbered 20.435 (6) (a) and amended to read:

20.435 (6) (a) *General program operations.* The amounts in the schedule for general program operations, including regulatory activities, field services ~~and~~, administrative services, solicitation of grant applications and providing technical assistance to grantees under the adolescent choices project grants program under s. 46.997 (2) and for activities to assist in enabling the increase of child day care services that are licensed under s. 48.65, certified under s. 48.651, or established or contracted for under s. 120.13 (14).

SECTION 396. 20.435 (4) (b) of the statutes is renumbered 20.435 (7) (b) and amended to read:

20.435 (7) (b) *Community aids.* The amounts in the schedule for the provision or purchase of mental health and developmental disabilities services under ss. 51.42 and 51.437, for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services under s. 48.06 (4) and for shelter care under ss. 48.22 and 48.58, for reimbursement for the provision or purchase of social services under ss. 46.215 (1) and (2) and 46.22 (1), including foster care under ss. 49.19 (10), child care under s. 46.98 (2) (a) 1 and services under ss. 46.57, 46.87 and 46.985. Social services disbursements under s. 46.03 (20) (b) may be made from this appropriation. Distributions to private nonprofit child care providers under s. 46.98 (2) (a) 2, ~~to private nonprofit organizations under s. 46.57 (2)~~ and to county aging units and private nonprofit organizations under s. 46.87 (3) (c) 4 and (4) may be made from this appropriation. Refunds received relating to payments made under s. 46.03 (20) (b) for the provision of services for which moneys are appropriated under this paragraph shall be returned to this appropriation. 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. The department shall deposit into this appropriation funds it recovers under ss. 49.52 (2) (b) and 51.423 (15) from prior year audit adjustments including those resulting from audits of services under s. 46.26 or 46.27. Except for amounts authorized to be carried forward under s.

46.45, all funds recovered under ss. 49.52 (2) (b) and 51.423 (15) and all funds allocated under ss. 46.57, 46.87 (3) (c) 4 and (4), 46.98 (2) (a) 2, 49.52 (1) (d) and 51.423 (2) and not spent or encumbered by counties, governing bodies of federally recognized American Indian tribes or nonprofit organizations by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year by the joint committee on finance. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may credit or deposit into this appropriation and may transfer between calendar years funds it transfers from the appropriation under sub. (1) (b) for the purposes specified under ss. 46.266 and 49.45 (6g).

SECTION 397m. 20.435 (4) (bd) of the statutes is renumbered 20.435 (7) (bd) and amended to read:

20.435 (7) (bd) (title) *Community options program and long-term support pilot projects*. The amounts in the schedule for assessments, case planning, services and administration under s. 46.27 and for pilot projects for home and community-based long-term support services under s. 46.271. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may under this paragraph transfer moneys between fiscal years. Except for moneys authorized for transfer under this appropriation or under s. 46.27 (7) (fm) or (g), all moneys under this appropriation that are allocated under s. 46.27 and are not spent or encumbered by counties by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless transferred to the next calendar year by the joint committee on finance.

SECTION 398. 20.435 (4) (bf) of the statutes is renumbered 20.435 (7) (bf).

SECTION 399b. 20.435 (4) (bg) of the statutes is renumbered 20.435 (6) (bg) and amended to read:

20.435 (6) (bg) *Employment and training programs; administration*. The amounts in the schedule for the administrative costs associated with the work incentive demonstration program under s. 49.50 (7), the job opportunities and basic skills program under s. 49.50 (7b), the work experience and job training program under s. 49.50 (7j), the employment search program under s. 49.50 (7c) and grant diversion projects under s. 49.50 (7g).

SECTION 400. 20.435 (4) (br) of the statutes is renumbered 20.435 (6) (br).

SECTION 401. 20.435 (4) (c) of the statutes is renumbered 20.435 (7) (c).

SECTION 402. 20.435 (4) (cb) of the statutes is renumbered 20.435 (7) (cb) and amended to read:

20.435 (7) (cb) *Domestic abuse grants*. The amounts in the schedule for the purposes of s. 46.95. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated by the department under s. 46.95 (2) 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 by the joint committee on finance.

SECTION 403. 20.435 (4) (cc) of the statutes is renumbered 20.435 (7) (cc) and amended to read:

20.435 (7) (cc) *Shelter for homeless individuals and families*. The amounts in the schedule for grants to agencies and shelter facilities for homeless individuals and families as provided under s. 46.97. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated 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 by the joint committee on finance.

SECTION 404. 20.435 (4) (cd) of the statutes is renumbered 20.435 (7) (cd).

SECTION 405. 20.435 (4) (cf) of the statutes is renumbered 20.435 (6) (cf), and 20.435 (6) (cf) (title), as renumbered, is amended to read:

20.435 (6) (cf) (title) *Foster and family-operated group home parent insurance and liability*.

SECTION 406. 20.435 (4) (cg) of the statutes is renumbered 20.435 (7) (cg).

SECTION 407. 20.435 (4) (ch) of the statutes is renumbered 20.435 (7) (ch).

SECTION 408b. 20.435 (4) (cj) of the statutes is renumbered 20.435 (7) (cj) and amended to read:

20.435 (7) (cj) *Reduction of paternity backlog*. Biennially, the amounts in the schedule to reduce the paternity backlog in a county with a population of 500,000 or more under 1987 Wisconsin Act 27, section 3024 (14m). No moneys may be expended under this paragraph after ~~June 30~~ December 31, 1989.

SECTION 409b. 20.435 (4) (cn) of the statutes is renumbered 20.435 (7) (cn) and amended to read:

20.435 (7) (cn) *Child care for former recipients of aid to families with dependent children*. ~~As a condition of appropriation biennially,~~ the amounts in the schedule for paying child care costs of individuals who secure unsubsidized employment and lose eligibility for aid to families with dependent children as provided under s. 49.50 (6g), (7c) (c), (7j) (e) and (7m) (jm) and for paying child care costs of certain recipients of aid to families with dependent children as provided under s. 49.50 (6e). **Vetoed in Part**

SECTION 410. 20.435 (4) (cv) of the statutes is repealed.

SECTION 411. 20.435 (4) (d) of the statutes is renumbered 20.435 (7) (d).

SECTION 412. 20.435 (4) (da) of the statutes is renumbered 20.435 (7) (da).

SECTION 413. 20.435 (4) (dc) of the statutes is renumbered 20.435 (7) (dc) and amended to read:

20.435 (7) (dc) *Emergency assistance program*. The amounts in the schedule for emergency assistance for families with needy children under s. 49.19 (11) (b).

Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated 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 by the joint committee on finance.

SECTION 414. 20.435 (4) (dd) of the statutes is renumbered 20.435 (7) (dd).

SECTION 415. 20.435 (4) (de) of the statutes is renumbered 20.435 (7) (de), and 20.435 (7) (de) 1, as renumbered, is amended to read:

20.435 (7) (de) 1. The amounts in the schedule for payment distribution under s. 49.52 (1) for county administration of public assistance benefits and medical assistance eligibility determination and payments to American Indian tribes for administration of public assistance programs. Payments may be made from this appropriation to counties under s. and to agencies under contract with the department for administration of relief to needy Indian persons under ss. 49.046 and 49.047. Payments may be made from this appropriation to counties for fraud investigation and error reduction under s. 49.197 (1m) and (4), for the cost of the case management pilot project under s. 49.50 (7w) (e) and for administration of the child support supplement program under s. 46.257. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. ~~The department may transfer funds returned to this appropriation under s. 49.52 (1) (ag) between calendar years. All funds allocated 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 by the joint committee on finance.~~

Vetoed in Part

SECTION 416. 20.435 (4) (df) of the statutes is renumbered 20.435 (7) (df) and amended to read:

Vetoed in Part 20.435 (7) (df) *Employment and training programs.* ~~As a continuing appropriation. Biennially,~~ the amounts in the schedule for the work incentive demonstration program under s. 49.50 (7), the job opportunities and basic skills program under s. 49.50 (7b), the employment search program under s. 49.50 (7c), the work experience and job training program under s. 49.50 (7j), grant diversion projects under s. 49.50 (7g), community work experience programs under ss. 46.253 and 49.50 (7m), the guaranteed jobs program under s. 49.50 (7p) and the food stamp employment and training project under s. 49.124. Moneys appropriated under this paragraph may be used to match federal funds received under par. (pm) or (ps) or sub. (6) (pm).

SECTION 417. 20.435 (4) (dg) of the statutes is renumbered 20.435 (6) (dg).

SECTION 418m. 20.435 (4) (dh) of the statutes is renumbered 20.435 (7) (dh) and amended to read:

20.435 (7) (dh) (title) *Programs for senior citizens and elder abuse services.* The amounts in the schedule

for the programs for senior citizens, including but not limited to the purposes of ss. 46.80 (5) and 46.85, and for direct services for elder persons and other individuals under s. 46.90 (5m). 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 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 by the joint committee on finance, but the department may carry forward funds allocated under s. 46.90 (5m) that are not encumbered by June 30 of each year for allocation under s. 46.90 (5m) in the following state fiscal year. 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 419. 20.435 (4) (dj) of the statutes is renumbered 20.435 (7) (dj) and amended to read:

20.435 (7) (dj) *Benefit specialist program.* The amounts in the schedule for the benefit specialist program for older persons under s. 46.81. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated by the department under s. 46.81 (2) 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 by the joint committee on finance.

SECTION 420. 20.435 (4) (dL) of the statutes is renumbered 20.435 (7) (dL) and amended to read:

20.435 (7) (dL) *Indian aids.* The amounts in the schedule to facilitate delivery of social services and mental hygiene services to American Indians under s. 46.70. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between state fiscal years under this paragraph. All funds allocated under s. 46.70 but not spent or encumbered by ~~December 31~~ September 30 of each year lapse to the general fund on the next ~~January~~ October 1, unless transferred to the next ~~calendar~~ federal fiscal year by the joint committee on finance. For the purposes of this paragraph, funds are encumbered by ~~December 31~~ September 30 if allocated for services received or for goods ordered by ~~December 31~~ September 30.

SECTION 421. 20.435 (4) (dm) of the statutes is renumbered 20.435 (6) (dm).

SECTION 422. 20.435 (4) (ds) of the statutes is repealed.

SECTION 423. 20.435 (4) (e) of the statutes is renumbered 20.435 (7) (e), and 20.435 (7) (e) (title), as renumbered, is amended to read:

20.435 (7) (e) (title) *Relief of needy Indian persons.*

SECTION 424. 20.435 (4) (eb) of the statutes is renumbered 20.435 (7) (eb).

SECTION 425. 20.435 (4) (ec) of the statutes is renumbered 20.435 (7) (ec).

SECTION 426. 20.435 (4) (ed) of the statutes is renumbered 20.435 (7) (ed).

SECTION 427. 20.435 (4) (eg) of the statutes is renumbered 20.435 (7) (eg) and amended to read:

20.435 (7) (eg) *Programs for adolescents and adolescent parents.* The amounts in the schedule for ~~the purchase provision and start-up~~ of day care programs ~~from school boards for student parents~~ under s. 46.99 and for the provision of adolescent self-sufficiency and pregnancy prevention programs under s. 46.995 and for adolescent choices project grants under s. 46.997 (2).

SECTION 428. 20.435 (4) (g) of the statutes is renumbered 20.435 (7) (g) and amended to read:

20.435 (7) (g) *Child support collections.* All moneys received for the support of dependent children to be distributed in accordance with federal and state laws, rules and regulations. In fiscal year 1989-90, \$77,400 shall be transferred to the appropriation under par. (ga) and in fiscal year 1990-91, \$77,400 shall be transferred to the appropriation under par. (ga).

SECTION 429. 20.435 (4) (ga) of the statutes is renumbered 20.435 (6) (ga).

SECTION 430. 20.435 (4) (gb) of the statutes is renumbered 20.435 (6) (gb).

SECTION 431. 20.435 (4) (gg) of the statutes is renumbered 20.435 (7) (gg).

SECTION 432. 20.435 (4) (hh) of the statutes is renumbered 20.435 (7) (hh).

SECTION 433. 20.435 (4) (hx) of the statutes is renumbered 20.435 (6) (hx) and amended to read:

20.435 (6) (hx) *Services for drivers, receipts.* The amounts in the schedule for services for drivers. All moneys received from the driver improvement surcharge on court fines and forfeitures authorized under s. 346.655 shall be credited to this appropriation. These moneys may be transferred to ~~par. (hy) and par. (hz), sub. (7) (hy) and ss. 20.255 (1) (hm), 20.285 (1) (ia), 20.395 (5) (eh) and 20.455 (5) (h)~~ by the secretary of administration after consultation with the secretaries of health and social services and transportation, the superintendent of public instruction, the attorney general and the president of the university of Wisconsin system.

SECTION 434. 20.435 (4) (hy) of the statutes is renumbered 20.435 (7) (hy) and amended to read:

20.435 (7) (hy) *Services for drivers, local assistance.* The amounts in the schedule for the purpose of s. 51.42 for drivers referred through assessment, to be allocated according to a plan developed by the department of health and social services. All moneys transferred from ~~par. sub. (6) (hx)~~ shall be credited to this appropriation, except that the unencumbered balance on June 30 of each year shall revert to the appropriation under ~~par. sub. (6) (hx)~~.

SECTION 435. 20.435 (4) (hz) of the statutes is renumbered 20.435 (6) (hz).

SECTION 436. 20.435 (4) (i) of the statutes is renumbered 20.435 (6) (i).

SECTION 437. 20.435 (4) (j) of the statutes is renumbered 20.435 (6) (j).

SECTION 438. 20.435 (4) (jb) of the statutes is renumbered 20.435 (6) (jb).

SECTION 439. 20.435 (4) (jj) of the statutes is renumbered 20.435 (6) (jj) and amended to read:

20.435 (6) (jj) (title) *Searches for birth parents and adoption record information; foreign adoptions.* The amounts in the schedule for paying the cost of searches for birth parents under ss. 48.432 (4) and 48.433 (6) and for paying the costs of reviewing, certifying and approving foreign adoption documents under s. 48.838 (2) and (3). All moneys received as fees paid by persons requesting a search under s. 48.432 (3) (c) or (4) ~~or~~, 48.433 (6) or 48.93 (1r) and paid by persons for the review, certification and approval of foreign adoption documents under s. 48.838 (2) and (3) shall be credited to this appropriation.

SECTION 440h. 20.435 (4) (jk) of the statutes is renumbered 20.435 (7) (jk) and amended to read:

20.435 (7) (jk) *Youth diversion program.* The Biennially, the amounts in the schedule for youth diversion services under s. 46.265. All mon~~eys~~ transferred from s. 20.505 (6) (g) shall be credited to this appropriation.

SECTION 441. 20.435 (4) (jm) of the statutes is renumbered 20.435 (6) (jm) and amended to read:

20.435 (6) (jm) *Administrative and support services.* The amounts in the schedule for the inspection of approved treatment facilities under ch. 51, for licensing community-based residential facilities under s. 140.85, for administrative expenses related to approving residential facilities under s. 46.28, for producing instructional materials for community-based residential facilities under s. 50.035 (1), for printed material and computer runs of the department's information systems, for issuing controlled substance permits under s. 161.335, for technical assistance provided to municipalities, counties, school districts and private employers for employee counseling referral programs and for training programs. All moneys received from fees for inspection of approved treatment facilities under ch. 51, all moneys received as licensing fees charged to community-based residential facilities under s. 140.85, all moneys received from the sale of instructional materials to community-based residential facilities under s. 50.035 (1), all moneys received as fees charged for approving residential facilities under s. 46.28, all moneys received as fees charged for the provision of printed material, including computer runs of the department's information systems, all moneys received as fees for controlled substance permits issued under s. 161.335, all moneys received as fees for technical assistance provided to municipalities, counties, school districts and private employers for employee counseling referral programs and all moneys received as fees for training programs shall be credited to this appropriation.

SECTION 442. 20.435 (4) (k) of the statutes is renumbered 20.435 (6) (k).

SECTION 443. 20.435 (4) (kc) of the statutes is renumbered 20.435 (7) (kc).

SECTION 444. 20.435 (4) (km) of the statutes is renumbered 20.435 (6) (km).

SECTION 445. 20.435 (4) (kx) of the statutes is renumbered 20.435 (6) (kx) and amended to read:

20.435 (6) (kx) *Interagency and intra-agency programs.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under par. (k), ~~(ke)~~ or (km) or sub. (7) (kc) for the administration of programs or projects for which received.

SECTION 446. 20.435 (4) (ky) of the statutes is renumbered 20.435 (7) (ky) and amended to read:

20.435 (7) (ky) *Interagency and intra-agency aids.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under par. ~~(k)~~, (kc) or sub. (6) (k) or (km) for aids to individuals and organizations.

SECTION 447. 20.435 (4) (kz) of the statutes is renumbered 20.435 (7) (kz) and amended to read:

20.435 (7) (kz) *Interagency and intra-agency local assistance.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under par. ~~(k)~~, (kc) or sub. (6) (k) or (km) for local assistance.

SECTION 448. 20.435 (4) (L) of the statutes is renumbered 20.435 (6) (L) and amended to read:

20.435 (6) (L) (title) *Welfare fraud and error reduction; state operations.* All ~~From the~~ moneys received ~~from as~~ the state's share of the recovery of overpayments and incorrect payments under ss. 49.125 (2), 49.195 (5) and 49.497 (1), the amounts in the schedule for reducing the department's activities to reduce error and fraud in the food stamp, aid to families with dependent children and medical assistance programs. ~~The funds shall be allocated as provided in s. 49.197 (1).~~

SECTION 449. 20.435 (4) (m) of the statutes is renumbered 20.435 (6) (m).

SECTION 450am. 20.435 (4) (ma) of the statutes is renumbered 20.435 (7) (ma) and amended to read:

20.435 (7) (ma) *Federal project aids.* See sub. (9) (ma). ~~In each fiscal year, the department shall allocate \$250,000 as grants under this paragraph for demonstration projects and to develop and implement in-home family-based treatment programs for persons with alcohol or other drug abuse problems. The department shall award the grants on a request-for-proposal basis.~~

SECTION 451. 20.435 (4) (mb) of the statutes is renumbered 20.435 (7) (mb).

SECTION 452. 20.435 (4) (mc) of the statutes is renumbered 20.435 (6) (mc) and amended to read:

20.435 (6) (mc) *Federal block grant operations.* See sub. (9) (mc). All federal community services block grant funds received under 42 USC 9903 shall be allocated as provided under s. 46.30. All amounts transferred from ~~par. sub. (7) (md)~~ for state administration of the low-income energy assistance program shall be allocated as provided under s. 49.80 (3) (c).

SECTION 453. 20.435 (4) (md) of the statutes is renumbered 20.435 (7) (md) and amended to read:

20.435 (7) (md) *Federal block grant aids.* See sub. (9) (md). All federal community services block grant funds received under 42 USC 9903 shall be allocated as provided under s. 46.30. All moneys received under 42 USC 8621 to 8629 less the amount transferred to the appropriation under par. (o) for distribution under s. 49.52 (1) (d), as provided under s. 49.80 (3) (a) and less the amount transferred to the appropriation under ~~par. sub. (6) (mc)~~, for state administration of the low-income energy assistance program as provided under s. 49.80 (3) (c).

SECTION 454. 20.435 (4) (n) of the statutes is renumbered 20.435 (6) (n) and amended to read:

20.435 (6) (n) *Federal program operations.* See sub. (9) (n). All moneys transferred from ~~par. sub. (7) (o)~~ for the purposes of providing day care services in counties with unmet needs, for providing start-up or improvement grants for day care facilities and for providing training for day care providers. All moneys transferred from ~~par. sub. (7) (o)~~ shall be allocated as determined by the department in the calendar year immediately following the transfer.

SECTION 455. 20.435 (4) (na) of the statutes is renumbered 20.435 (7) (na).

SECTION 456. 20.435 (4) (nL) of the statutes is renumbered 20.435 (7) (nL).

SECTION 457. 20.435 (4) (o) of the statutes is renumbered 20.435 (7) (o) and amended to read:

20.435 (7) (o) *Federal aid; community aids.* All federal moneys received in amounts pursuant to allocation plans developed by the department for the provision or purchase of services authorized under par. (b) and s. 46.70, all federal moneys received as child welfare funds under 42 USC 620 to 626 as limited under s. 48.985 and all amounts transferred from par. (md) for distribution under s. 49.52 (1) (d) as provided under s. 49.80 (3) (a). Disbursements from this appropriation may be made directly to counties for social and mental hygiene services under s. 46.03 (20) (b) or 46.031 or directly to counties in accordance with federal requirements for the disbursement of federal funds or directly to tribal governing bodies under s. 46.70. The department shall, on December 31 of any year, transfer to ~~par. sub. (6) (n)~~ all of the funds allocated for day care services under s. 49.52 (1) (d), that are not spent or encumbered as of December 31 of any year by county departments under s. 46.215, 46.22 or 46.23.

SECTION 458. 20.435 (4) (oo) of the statutes is renumbered 20.435 (7) (oo).

SECTION 459. 20.435 (4) (p) of the statutes is renumbered 20.435 (7) (p).

SECTION 460. 20.435 (4) (pd) of the statutes is renumbered 20.435 (7) (pd).

SECTION 461b. 20.435 (4) (pm) of the statutes is renumbered 20.435 (6) (pm) and amended to read:

20.435 (6) (pm) *Employment programs; administration.* All federal moneys received for the administrative costs associated with the work incentive demonstration program under s. 49.50 (7), the job opportunities and basic skills program under s. 49.50 (7b), the employment search program under s. 49.50 (7c), the grant diversion program under s. 49.50 (7g), the work experience and job training program under s. 49.50 (7j), community work experience programs under s. 49.50 (7m) and the food stamp employment and training program under s. 49.124.

SECTION 462b. 20.435 (4) (ps) of the statutes is renumbered 20.435 (7) (ps) and amended to read:

20.435 (7) (ps) *Employment programs; aids.* All federal moneys received for the provision or purchase of services for the work incentive demonstration program under s. 49.50 (7), the job opportunities and basic skills program under s. 49.50 (7b), the employment search program under s. 49.50 (7c), the grant diversion program under s. 49.50 (7g), the work experience and job training program under s. 49.50 (7j), community work experience programs under s. 49.50 (7m) and the food stamp employment and training program under s. 49.124.

SECTION 463. 20.435 (5) (bm) of the statutes is amended to read:

20.435 (5) (bm) *Purchased services for clients.* The amounts in the schedule for the purchase of goods and services authorized under ch. 47 and for vocational rehabilitation and other independent living services to handicapped persons. The department shall, in each state fiscal year, transfer from this appropriation to sub. (4) (7) (kc) \$41,400 if funds are transferred to sub. (4) (7) (kc) from par. (na). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may, if approved by the joint committee on finance under s. 13.10, transfer funds between fiscal years under this paragraph. All funds appropriated for a particular fiscal year that are transferred to the next fiscal year and are not spent or encumbered by September 30 of that next fiscal year shall lapse to the general fund on the succeeding October 1.

Vetoed
in Part

Vetoed
in Part

~~SECTION 463m. 20.435 (5) (f) of the statutes is created to read:~~

~~20.435 (5) (f) *Grants for interpreters for hearing impaired.* The amounts in the schedule for grants under s. 47.03 (10m) (a) to entities and for grants under s. 47.03 (10r) to hospitals for a portion of the costs of interpreters for hearing-impaired persons.~~

SECTION 464. 20.435 (5) (k) of the statutes is repealed.

SECTION 465. 20.435 (5) (na) of the statutes is amended to read:

20.435 (5) (na) *Federal program aids.* See sub. (9) (na). All federal moneys received for the purchase of goods and services under ch. 47 and for the purchase of vocational rehabilitation programs for individuals or organizations. The department shall, in each state fiscal year, transfer to sub. (4) (7) (kc) up to \$372,900 if a transfer is authorized by the federal government.

SECTION 466. 20.435 (6) (dg) of the statutes, as affected by 1989 Wisconsin Act (this act), is amended to read:

20.435 (6) (dg) *State adoption center.* The amounts in the schedule to operate a state adoption center under s. ~~48.555~~ 48.551.

SECTION 466g. 20.435 (6) (dh) of the statutes is created to read:

20.435 (6) (dh) *Elder abuse awareness campaign.* The amounts in the schedule for the purpose of conducting a statewide elder abuse awareness campaign under s. 46.90 (9).

SECTION 466m. 20.435 (6) (hm) of the statutes is created to read:

20.435 (6) (hm) *Juvenile aftercare services.* Except as provided in par. (ho), the amounts in the schedule for juvenile aftercare services specified in s. 46.26 (4) (d). All moneys received in payment for departmental juvenile aftercare services specified in s. 46.26 (4) (d) shall be credited to this appropriation. If moneys generated by the monthly rate exceed actual fiscal year institutional costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year. Each county shall receive a proportionate share of the remittance depending on the total number of days of placement at juvenile correctional institutions. Counties shall use the funds for purposes specified in s. 46.26.

SECTION 467. 20.435 (7) (title) of the statutes is created to read:

20.435 (7) (title) COMMUNITY SERVICES; AIDS AND LOCAL ASSISTANCE.

SECTION 468. 20.435 (7) (bc) of the statutes is created to read:

20.435 (7) (bc) *Grants for community programs.* The amounts in the schedule for grants for community programs under s. 46.48 and 1989 Wisconsin Act (this act), section 3023 (31x) and for funding of community services under s. 46.268. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. Except for amounts authorized to be carried forward under s. 46.48, all funds allocated 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 by the joint committee on finance. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may credit or deposit into this appropriation and may transfer between fiscal years

funds that it transfers from the appropriation under sub. (1) (b) for the purposes specified under s. 46.268.

SECTION 468j. 20.435 (7) (bh) of the statutes is created to read:

20.435 (7) (bh) *Community support program; grants.* Biennially, the amounts in the schedule for community support program grants under s. 51.421 (4).

SECTION 468L. 20.435 (7) (ca) of the statutes is created to read:

20.435 (7) (ca) *Three-quarters house funding.* The amounts in the schedule for building or purchasing a residence for recovering male alcohol abusers under 1989 Wisconsin Act (this act), section 3023 (30w).

SECTION 468r. 20.435 (7) (ce) of the statutes is created to read:

20.435 (7) (ce) *Services for homeless individuals.* As a continuing appropriation, the amounts in the schedule for services for homeless individuals under s. 46.972.

Vetoed in Part SECTION 468x. 20.435 (7) (cl) of the statutes is created to read:

Vetoed in Part 20.435 (7) (cl) *Juvenile restitution and community service projects.* The amounts in the schedule for juvenile restitution and community service projects under s. 46.263.

SECTION 469c. 20.435 (7) (cm) of the statutes is created to read:

Vetoed in Part 20.435 (7) (cm) *Child care expansion.* Biennially, the amounts in the schedule for allocation to counties for expansion of child day care services and to provide child day care and information services and for allocation to head start agencies for provision of day care under s. 46.981.

SECTION 469p. 20.435 (7) (co) of the statutes is created to read:

20.435 (7) (co) *Integrated service programs for children with severe disabilities.* Biennially, the amounts in the schedule to fund county integrated service programs for children with severe disabilities.

SECTION 470. 20.435 (7) (cr) of the statutes is created to read:

20.435 (7) (cr) *State supplement to employment opportunity demonstration projects.* The amounts in the schedule for the purpose of providing state funds to supplement, on a one-to-one matching basis, federal employment opportunity demonstration project funds received under 42 USC 1315 or from other federal or private foundation sources, to be allocated under s. 46.30 (4).

SECTION 470i. 20.435 (7) (dn) of the statutes is created to read:

20.435 (7) (dn) *Food distribution start-up grants.* The amounts in the schedule for grants for start-up of food distribution services under s. 46.75.

SECTION 470k. 20.435 (7) (dp) of the statutes is created to read:

20.435 (7) (dp) *Food distribution administration.* The amounts in the schedule for allocation under s. 46.77 to eligible recipient agencies for storage, transportation and distribution of commodities.

SECTION 470km. 20.435 (7) (ds) of the statutes is created to read:

20.435 (7) (ds) *Children-in-crisis.* Biennially, the amounts in the schedule for the children-in-crisis program under s. 46.262.

Vetoed in Part SECTION 470L. 20.435 (7) (eh) of the statutes is created to read:

Vetoed in Part 20.435 (7) (eh) *Early intervention program.* The amounts in the schedule for the payment of grants to counties for early intervention programs for high risk youths under s. 46.261.

SECTION 470m. 20.435 (7) (er) of the statutes is created to read:

Vetoed in Part 20.435 (7) (er) *Adolescent pregnancy prevention services.* The amounts in the schedule to provide the services specified under 1989 Wisconsin Act (this act), section 3023 (22c).

SECTION 470q. 20.435 (7) (ew) of the statutes is created to read:

20.435 (7) (ew) *Runaway services.* The amounts in the schedule for the allocations specified under 1989 Wisconsin Act (this act), section 3023 (28w).

SECTION 471. 20.435 (7) (ga) of the statutes is created to read:

20.435 (7) (ga) *Child support collection — county administration.* All moneys transferred from par. (g), for the child support program under s. 46.258 (1).

SECTION 472. 20.435 (7) (gd) of the statutes is created to read:

20.435 (7) (gd) *Group home revolving loan fund.* The amounts in the schedule to continue a revolving fund to make loans under s. 46.976 (2). All moneys received from repayments of loans made under s. 46.976 (2) and from interest on the loans shall be credited to this appropriation.

SECTION 473. 20.435 (7) (i) of the statutes is created to read:

20.435 (7) (i) *Gifts and grants; local assistance.* All moneys received from gifts, grants, bequests and trust funds to provide local assistance for community services consistent with the purpose of the gift, grant, bequest or trust fund.

SECTION 474. 20.435 (7) (L) of the statutes is created to read:

20.435 (7) (L) *Welfare fraud and error reduction; local assistance.* From the moneys received as the state's share of the recovery of overpayments and incorrect payments under ss. 49.125 (2), 49.195 and 49.497 (1), all moneys not appropriated under sub. (6) (L) for county and tribal activities to reduce error and fraud in the food stamp, aid to families with dependent children and medical assistance program.

SECTION 474m. 20.435 (7) (q) of the statutes is created to read:

20.435 (7) (q) *Community alcohol and other drug abuse prevention pilot program.* From the racing fund, the amounts in the schedule for the community alcohol and other drug abuse prevention pilot program under s. 51.45 (5).

SECTION 477. 20.435 (9) (aa) of the statutes is amended to read:

20.435 (9) (aa) *Institutional repair and maintenance.* The amounts in the schedule for repair and maintenance expenses of the institutions. Expenditures for materials, supplies, equipment and contracts for services involving the repair and maintenance of structures and equipment, excluding vehicles, shall be made from this appropriation. ~~The department, with the approval of the department of administration, may transfer between subs. (2) (aa) and (3) (aa).~~ In this section, expenditure estimates for institutional repair and maintenance are assigned paragraph letter (aa) in the schedule of subs. sub. (2) and (3).

SECTION 478. 20.435 (9) (c) of the statutes is amended to read:

20.435 (9) (c) *Witness fees of inmates.* The money received in reimbursement of expenses incurred in taking inmates of state institutions into court under s. 51.20 (19) (18) or 782.45 shall be refunded to the appropriations appropriation made by subs. sub. (2) (a) and (3) (a) for operation of the institutions.

Vetoed
in Part

~~SECTION 478m. 20.440 (2) of the statutes is created to read:~~

~~20.440 (2) *RURAL HOSPITAL LOAN GUARANTEE.* (a) *Rural assistance loan fund.* As a continuing appropriation, the amounts in the schedule to be transferred by July 1, 1990, to the rural hospital loan fund under s. 231.36.~~

SECTION 479. 20.445 (1) (c) of the statutes is created to read:

20.445 (1) (c) *Job center pilot projects.* Biennially, the amounts in the schedule for job center pilot projects under 1989 Wisconsin Act (this act), section 3028 (3x). No money may be encumbered from this appropriation after June 30, 1991.

SECTION 479g. 20.445 (1) (d) of the statutes is created to read:

20.445 (1) (d) *Private sewage system research.* The amounts in the schedule for private sewage system research under s. 145.20 (5). No moneys may be encumbered under this paragraph after June 30, 1993.

SECTION 479m. 20.445 (1) (e) of the statutes is amended to read:

20.445 (1) (e) *Wisconsin job opportunity business subsidy program.* The Biennially, the amounts in the schedule for the Wisconsin job opportunity business subsidy program under s. 101.35. This paragraph does not apply after June 30, 1991.

SECTION 479p. 20.445 (1) (gb) of the statutes is amended to read:

20.445 (1) (gb) *Local agreements.* All moneys received through contracts or financial agreements for

provision of services to local units of government or local organizations, ~~except moneys appropriated under par. (gm),~~ for the purpose of providing the services.

SECTION 479r. 20.445 (1) (gm) of the statutes is repealed.

SECTION 481. 20.445 (1) (j) of the statutes is amended to read:

20.445 (1) (j) *Safety and building operations.* The amounts in the schedule for the purposes of subchs. I, II, III and IV of ch. 101, chs. 145 and 168 and ss. 236.12 (2) (a), 236.13 (1) (d) and (2m) and 236.335. All moneys received under ch. 145 and ss. 101.19, 101.63 (9), 101.73 (12), 101.82 (4), 168.12 (1) and (2) to (6) and 236.12 (7) shall be credited to this appropriation. From the amounts received under s. 168.12, \$66,000 shall be transferred to the appropriation under s. 20.115 (1) (im) in each fiscal year and \$1,500,000 shall be credited to the environmental repair fund in the 1987-88 and the 1988-89 fiscal years. From the amounts received under s. 168.12, \$35,000 shall be transferred to the appropriation under s. 20.115 (1) (j) in fiscal year 1989-90 and \$11,200 in fiscal year 1990-91, for equipment to test the accuracy of fuel measuring devices. Beginning in fiscal year 1989-90, from the amounts received under s. 168.12, \$500,000 shall be credited to the environmental fund for environmental repair in each fiscal year.

SECTION 481g. 20.445 (1) (ka) of the statutes is amended to read:

20.445 (1) (ka) *Interagency agreements.* All moneys received through contracts or financial agreements for provision of services to other state agencies, except moneys appropriated under ~~pars. par. (k), (kg) and (kk),~~ for the purpose of providing the services.

SECTION 481j. 20.445 (1) (kg) of the statutes is repealed.

SECTION 481m. 20.445 (1) (kk) of the statutes is repealed.

SECTION 481p. 20.445 (1) (q) of the statutes is amended to read:

20.445 (1) (q) *Groundwater — standards; implementation.* From the groundwater environmental fund, the amounts in the schedule to develop groundwater standards and implement ch. 160.

SECTION 482. 20.455 (1) (d) of the statutes is amended to read:

20.455 (1) (d) *Legal expenses.* The Biennially, the amounts in the schedule for the payment of expenses incurred by the department of justice in the prosecution or defense of any action or proceeding in which the state may be a party or may have an interest, for any abstract of title, clerk of court's fees, sheriff's fees or any other expense actually necessary to the prosecution or defense of those cases, for the payment of expenses incurred where the department of justice is not involved, and where the statutes provide that those expenses shall be paid from this appropriation,

unless the cost or expenses are charged to some other appropriation.

SECTION 483m. 20.455 (2) (c) of the statutes is amended to read:

20.455 (2) (c) *Crime laboratory equipment.* The Biennially, the amounts in the schedule for the acquisition, maintenance, repair and replacement costs of the laboratory equipment in the state and regional crime laboratories.

SECTION 483t. 20.455 (2) (i) of the statutes is amended to read:

20.455 (2) (i) *Penalty assessment surcharge, receipts.* The amounts in the schedule for the purposes of s. 165.85 (5) (b) and, for crime laboratory equipment and for equipment used for an automated fingerprint identification system. All moneys received from the penalty assessment surcharge on court fines and forfeitures as allocated under s. 165.87 (1) shall be credited to this appropriation. These moneys may be transferred to pars. (j) and (ja) by the secretary of administration for expenditures based upon determinations by the department of justice, except \$130,000 \$235,100 shall be transferred to par. (jb) in fiscal year 1989-90, \$250,000 shall be transferred to par. (jb) in each fiscal year 1990-91 and \$550,000 shall be transferred to par. (jc) in fiscal year 1990-91.

SECTION 483tc. 20.455 (2) (i) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

20.455 (2) (i) *Penalty assessment surcharge, receipts.* The amounts in the schedule for the purposes of s. 165.85 (5) (b) and (5m), for crime laboratory equipment and for equipment used for an automated fingerprint identification system. All moneys received from the penalty assessment surcharge on court fines and forfeitures as allocated under s. 165.87 (1) shall be credited to this appropriation. These moneys may be transferred to pars. (j) and (ja) by the secretary of administration for expenditures based upon determinations by the department of justice, except \$235,100 shall be transferred to par. (jb) in fiscal year 1989-90, \$250,000 shall be transferred to par. (jb) in fiscal year 1990-91 and \$550,000 shall be transferred to par. (jc) in fiscal year 1990-91.

SECTION 483td. 20.455 (2) (j) of the statutes is amended to read:

20.455 (2) (j) *Law enforcement training fund, local assistance.* The amounts in the schedule to finance local law enforcement training as provided in s. 165.85 (5) (b) and (5m). All moneys transferred from par. (i) shall be credited to this appropriation.

SECTION 483v. 20.455 (2) (jc) of the statutes is created to read:

20.455 (2) (jc) *Identification system equipment.* All moneys transferred from par. (i) for the purchase, during the 1991-93 biennium, of equipment used for an automated fingerprint identification system.

SECTION 484. 20.455 (2) (k) of the statutes is amended to read:

20.455 (2) (k) *Interagency and intra-agency assistance.* All moneys received from any state agency regarding anti-drug abuse law enforcement assistance and drug investigations and analysis or regarding gambling investigations to carry out the purposes for which received.

SECTION 484g. 20.455 (3) (m) of the statutes is repealed.

SECTION 484r. 20.455 (3) (pz) of the statutes is created to read:

20.455 (3) (pz) *Indirect cost reimbursements.* All moneys received from the federal government as reimbursement of indirect costs of grants and contracts for the purposes authorized in s. 16.54 (9) (b).

SECTION 484t. 20.455 (4) (h) of the statutes is amended to read:

20.455 (4) (h) *General program operations.* The amounts in the schedule for the operations of the division of trust lands and investments as indicated under ss. 24.04, 24.53 and 24.62 (1). All amounts deducted from the gross receipts of the appropriate funds as indicated under ss. 24.04, 24.53 and 24.62 (1) shall be credited to this appropriation.

~~SECTION 484v. 20.455 (5) (d) of the statutes is created to read:~~

~~20.455 (5) (d) *Services for domestic abuse victims.* The amounts in the schedule for grants under s. 950.08 for services to victims of domestic abuse.~~

Vetoed
in Part

SECTION 485. 20.455 (5) (h) of the statutes is amended to read:

20.455 (5) (h) *Crime victim compensation services.* The amounts in the schedule to provide crime victim compensation services. All moneys transferred from s. 20.435 (4) (6) (hx) shall be credited to this appropriation, except that the unencumbered balance on June 30 of each year shall revert to the appropriation under s. 20.435 (4) (6) (hx).

SECTION 486. 20.465 (1) (f) of the statutes is amended to read:

20.465 (1) (f) (title) *Utilities, fuel, heating and cooling.* The amounts in the schedule to pay for ~~the use of electricity, water, sewage service and gas and to pay the cost of utilities and for fuel used for heating of, heat and air conditioning and costs incurred under s. 16.895 by or on behalf of the department at military buildings under the control of the department, including the freight and local hauling charges where applicable. Coal or fuel oil purchases under this paragraph shall be purchased under s. 16.71 (1). Payments for coal purchased under this paragraph shall be made as provided in s. 16.91.~~

SECTION 487. 20.465 (1) (g) of the statutes is amended to read:

20.465 (1) (g) *Military property.* The amounts in the schedule for rent of state-owned military lands or buildings used by, acquired for or erected for the Wisconsin national guard ~~pursuant to~~ under s. 21.19 (2), for rental of buildings and grounds maintenance equipment owned by the state and required to prop-

erly maintain properties supported by state-federal cooperative funding agreements, for the repair and maintenance of state-owned military lands or buildings and for the purchase and construction of new military property, real and personal. All moneys received on account of lost military property, from the sale of obsolete or unserviceable military property, from the sale of any state-owned military property, real and personal, under s. 21.19 (3), ~~or from the rental of state-owned housing, or from the provision of housing-related services to military personnel~~ shall be credited to this appropriation.

SECTION 488. 20.465 (1) (k) of the statutes is amended to read:

20.465 (1) (k) *Armory store operations.* The amounts in the schedule for the operation of an armory store at Camp Williams. All moneys received from purchases from the armory store by state agencies, state-owned or state-controlled armories and other state-owned military installations shall be credited to this appropriation.

SECTION 489. 20.465 (1) (km) of the statutes is created to read:

20.465 (1) (km) *Agency services.* The amounts in the schedule to render services to other state agencies and perform other general program operations. All moneys received from other state agencies for services rendered shall be credited to this appropriation.

SECTION 490. 20.465 (1) (pz) of the statutes is created to read:

20.465 (1) (pz) *Indirect cost reimbursements.* All moneys received from the federal government as reimbursement of indirect costs of grants and contracts for the purposes authorized in s. 16.54 (9) (b).

SECTION 491. 20.465 (1) (q) of the statutes is amended to read:

20.465 (1) (q) *Helicopter medical services and transportation.* From the transportation fund, the amounts in the schedule to operate, at the direction of the governor, a program to provide, by helicopter, emergency medical services and transportation to appropriate medical facilities for persons involved in accidents ~~occurring upon highways of the state.~~

SECTION 491g. 20.465 (3) (s) of the statutes is created to read:

20.465 (3) (s) *Emergency response training — transportation fund.* Biennially, from the transportation fund, the amounts in the schedule for the state emergency response board to provide training for emergency response to releases of hazardous substances and for providing equipment under 1989 Wisconsin Act (this act), section 3039 (1q).

SECTION 491i. 20.465 (3) (t) of the statutes is created to read:

20.465 (3) (t) *Emergency response training — environmental fund.* Biennially, from the environmental fund, the amounts in the schedule for the state emergency response board to provide training for emer-

gency response to releases of hazardous substances and for providing equipment under 1989 Wisconsin Act (this act), section 3039 (1q).

SECTION 492. 20.475 of the statutes is created to read:

20.475 District attorneys. There is appropriated to the department of administration for the following programs:

(1) DISTRICT ATTORNEYS. (g) *County payments, applied receipts.* All moneys received from county payments under s. 978.14 (2) for salaries and expenses of district attorneys and state employees of the office of district attorney. The amounts appropriated under this paragraph reduce the amounts in the schedule for the appropriation under par. (r), as described in par. (r).

(r) *Salaries and expenses.* From the lottery fund, the amounts in the schedule for salaries and expenses of district attorneys and state employees of the office of the district attorney, less the amounts appropriated as applied receipts under par. (g).

SECTION 493. 20.485 (1) (c) of the statutes is amended to read:

20.485 (1) (c) (title) *Utilities, fuel, heating and cooling.* The amounts in the schedule to pay for ~~the use of electricity, to cover the cost of gas for cooking and to cover the cost of coal or other fuels used for space heating utilities and for fuel, heat and air conditioning and costs incurred under s. 16.895 by or on behalf of the department at the Wisconsin veterans home, including freight charges and local hauling charges where applicable. Coal or fuel oil purchases under this paragraph shall be purchased under s. 16.71 (1). Payments for coal purchased hereunder shall be made as provided in s. 16.91.~~

SECTION 494. 20.485 (1) (gm) of the statutes is created to read:

20.485 (1) (gm) *Sale of fuel and utility service.* The amounts in the schedule for fuel, water, sewage treatment service, electricity, heat or chilled water provided to entities outside the department. All moneys received from the sale of those materials or services to entities outside the department under s. 16.93 (2) shall be credited to this appropriation.

SECTION 494m. 20.485 (2) (b) of the statutes is created to read:

20.485 (2) (b) *G.A.R. memorial hall space rental.* From the general fund, the amounts in the schedule to finance the costs of space rental for the G.A.R. memorial hall.

~~SECTION 494r. 20.485 (2) (e) of the statutes is created to read:~~

~~20.485 (2) (e) *Homeless veterans reintegration.* From the general fund, the amounts in the schedule for the long-term transitional housing program of the minority homeless veterans reintegration project operating in Milwaukee county on June 30, 1989. No~~

Vetoed
in Part

Vetoed in Part Funds may be expended or encumbered under this paragraph after June 30, 1991.

SECTION 495. 20.485 (2) (g) of the statutes is created to read:

20.485 (2) (g) *Consumer reporting agency fees.* From the general fund, all moneys received from consumer reporting agencies under s. 45.36 (5m) for the purpose of providing information to those agencies under s. 45.36 (5m).

SECTION 495m. 20.485 (2) (tm) of the statutes is created to read:

20.485 (2) (tm) *Facilities.* As a continuing appropriation, the amounts in the schedule to acquire, construct, develop, enlarge or improve facilities for the G.A.R. memorial hall and the department of veterans affairs.

SECTION 496. 20.485 (2) (vm) of the statutes is amended to read:

20.485 (2) (vm) *Veterans aids and treatment.* The amounts in the schedule for payment of benefits to veterans and their dependents under ss. 45.351 (1) and (3) and 45.396 and 45.397.

SECTION 496m. 20.485 (2) (w) of the statutes is amended to read:

20.485 (2) (w) *Home for needy veterans.* From the veterans trust fund, as a continuing appropriation the amounts in the schedule for the repair and improvement of facilities and for insurance premiums for the facilities operated in this state by bona fide veterans organizations as homes for the retreat or asylum of needy veterans. Allotments shall be made from this appropriation to bona fide veterans organizations qualifying upon applications showing the applicant's eligibility and requirements for an allotment, including a copy of the applicant's financial statement and such other pertinent matter as the department of veterans affairs prescribes.

SECTION 497. 20.485 (3) (u) (title) of the statutes is amended to read:

20.485 (3) (u) (title) *Loan funding and revenue obligation supplement.*

SECTION 498. 20.490 (5) (title) of the statutes is amended to read:

20.490 (5) (title) DROUGHT ASSISTANCE AND AGRICULTURAL DEVELOPMENT LOAN GUARANTEES.

SECTION 499. 20.490 (5) (a) 1 of the statutes is renumbered 20.490 (5) (a) and amended to read:

20.490 (5) (a) (title) *Drought assistance and agricultural development loan fund.* As a continuing appropriation, the amounts in the schedule to be transferred, within 3 days after July 26, 1988, to the agricultural production drought assistance and agricultural development loan fund under s. 234.92.

SECTION 500. 20.490 (5) (a) 2 of the statutes is repealed.

Vetoed in Part SECTION 500m. 20.490 (6) of the statutes is created to read:

~~20.490 (6) FINANCIAL ASSISTANCE FUND PROMOTION.
(a) *Financial assistance fund promotion.* As a continuing appropriation, the amounts in the schedule for the promotion of the financial assistance fund under s. 234.807.~~

Vetoed in Part

SECTION 501. 20.505 (1) (a) of the statutes is amended to read:

20.505 (1) (a) *General program operations.* The amounts in the schedule for administrative supervision, policy and fiscal planning and management services and for the payment of awards pursuant to s. 16.006 and to defray the expenses incurred by the state employee suggestion board and the building commission not otherwise appropriated.

SECTION 501e. 20.505 (1) (c) of the statutes is created to read:

20.505 (1) (c) *Census education assistance.* Biennially, the amounts in the schedule to make grants under 1989 Wisconsin Act (this act), section 3001 (14b).

SECTION 501m. 20.505 (1) (f) of the statutes is created to read:

20.505 (1) (f) *Badger state games assistance.* The amounts in the schedule to provide financial assistance to the badger state games.

SECTION 501n. 20.505 (1) (f) of the statutes, as created by 1989 Wisconsin Act (this act), is repealed.

SECTION 501p. 20.505 (1) (fm) of the statutes is created to read:

20.505 (1) (fm) *St. Norbert college grant.* The amounts in the schedule for the department to provide a grant to St. Norbert college for planning of an international center.

SECTION 501q. 20.505 (1) (fm) of the statutes, as created by 1989 Wisconsin Act (this act), is repealed.

SECTION 501s. 20.505 (1) (gm) of the statutes is created to read:

20.505 (1) (gm) *Great Lakes protection fund share.* All moneys received from the Great Lakes protection fund for protection, research and cleanup of the Great Lakes.

SECTION 502. 20.505 (1) (im) of the statutes is amended to read:

20.505 (1) (im) *Services to nonstate governmental units.* The amounts in the schedule to provide services and to repurchase inventory items, including those under s. 125.08 (1) (d) and (2) (b), that are provided primarily to purchasers outside state government. All moneys received from the sale of services and inventory items which are provided primarily to purchasers outside state government, including moneys received under s. 125.08 (1) (d) and (2) (b), shall be credited to this appropriation.

SECTION 503. 20.505 (1) (ke) of the statutes is amended to read:

20.505 (1) (ke) (title) *Telecommunications and data processing services.* The amounts in the schedule to

provide state telecommunications ~~system~~ services and data processing oversight and management services and telecommunications and data processing inventory items primarily to state agencies. All moneys received from the provision of state telecommunications ~~system~~ and data processing services and sale of telecommunications and data processing inventory items primarily to state agencies shall be credited to this appropriation.

SECTION 503d. 20.505 (1) (md) of the statutes is amended to read:

20.505 (1) (md) *Oil overcharge restitution funds.* All federal moneys received as oil overcharge funds, as defined in s. 14.065 (1), for expenditure under proposals approved by the joint committee on finance under s. 14.065, for payments under 1989 Wisconsin Act ~~(this act), section 3001 (12)~~ and for transfers under 1989 Wisconsin Act (this act), section 3101 (1z).

Vetoed
in Part

SECTION 504. 20.505 (2) (title) of the statutes is renumbered 20.465 (3) (title).

SECTION 505. 20.505 (2) (a) of the statutes is renumbered 20.465 (3) (a).

SECTION 506. 20.505 (2) (e) of the statutes is renumbered 20.465 (3) (e).

SECTION 507. 20.505 (2) (g) of the statutes is renumbered 20.465 (3) (g).

SECTION 508. 20.505 (2) (i) of the statutes is renumbered 20.465 (3) (i) and amended to read:

20.465 (3) (i) *Emergency planning and reporting; administration.* From the moneys received by the state emergency response ~~commission~~ board from fees assessed under s. 166.20 (7), the amounts in the schedule for emergency planning, notification and response and reporting activities under s. 166.20 and administration of the grant program under s. 166.21.

SECTION 511. 20.505 (2) (m) of the statutes is renumbered 20.465 (3) (m).

SECTION 512. 20.505 (2) (n) of the statutes is renumbered 20.465 (3) (n).

SECTION 513. 20.505 (2) (o) of the statutes is renumbered 20.465 (3) (o).

SECTION 514. 20.505 (2) (q) of the statutes is renumbered 20.465 (3) (q).

SECTION 515. 20.505 (3) (b) of the statutes is amended to read:

20.505 (3) (b) *Women's council operations.* The amounts in the schedule for the general program operations of the women's council under s. 16.01 and the provision of grants under s. 16.01 (4).

SECTION 516g. 20.505 (4) (cm) of the statutes is created to read:

20.505 (4) (cm) *Land information board; general program operations.* The amounts in the schedule for the general program operations of the land information board under s. 16.967.

SECTION 516m. 20.505 (4) (ea) of the statutes is repealed.

SECTION 516p. 20.505 (4) (fb) of the statutes is created to read:

20.505 (4) (fb) *Corrections hearings.* The amounts in the schedule for the general program operations of the division of corrections hearings.

SECTION 516pc. 20.505 (4) (fc) of the statutes is created to read:

20.505 (4) (fc) *Parole commission.* The amounts in the schedule for the general program operations of the parole commission.

SECTION 517. 20.505 (4) (fm) of the statutes is created to read:

20.505 (4) (fm) *Board on the U.S.S. Wisconsin; general program operations.* As a continuing appropriation, the amounts in the schedule for the general program operations of the board on the U.S.S. Wisconsin.

SECTION 518. 20.505 (4) (fn) of the statutes is created to read:

20.505 (4) (fn) *Board on the U.S.S. Wisconsin; interest on gifts and grants.* A sum sufficient equal to the amounts earned by the investment fund on revenue received by the board on the U.S.S. Wisconsin under sub. (4) (i), as determined quarterly by the department of administration, for the general program operations of the board on the U.S.S. Wisconsin.

SECTION 518m. 20.505 (4) (g) of the statutes is repealed.

SECTION 519. 20.505 (4) (h) of the statutes is amended to read:

20.505 (4) (h) *Program services.* The amounts in the schedule to carry out the responsibilities of divisions, boards and commissions attached to the department of administration, other than the board on aging and long-term care, the arts board, the public records and forms board and the Wisconsin conservation corps board. All moneys received from fees which are authorized by law or administrative rule to be collected by any division, board or commission attached to the department, other than the board on aging and long-term care, the arts board, the public records and forms board and the Wisconsin conservation corps board, shall be credited to this appropriation and used to carry out the purposes for which collected.

SECTION 520. 20.505 (4) (i) of the statutes is created to read:

20.505 (4) (i) *Board on the U.S.S. Wisconsin; gifts and grants.* All moneys received by the board on the U.S.S. Wisconsin from gifts, grants and bequests to be used for the purposes for which made.

SECTION 521. 20.505 (4) (j) of the statutes is renumbered 20.465 (3) (j) and amended to read:

20.465 (3) (j) (title) *State emergency response board; gifts and grants.* All moneys received as gifts and grants by the state emergency response ~~commission~~ board, to be used for the purposes for which made.

SECTION 522. 20.505 (4) (jm) of the statutes is renumbered 20.465 (3) (jm) and amended to read:

20.465 (3) (jm) (title) *State emergency response board; emergency planning grants*. All moneys received by the state emergency response ~~commission~~ board from fees assessed under s. 166.20 (7), except moneys appropriated under ~~sub. (2) par. (i)~~, for the payment of grants under s. 166.21.

SECTION 522e. 20.505 (4) (m) of the statutes is repealed.

SECTION 523. 20.505 (5) (ka) of the statutes is amended to read:

20.505 (5) (ka) *Facility operations and maintenance*. The amounts in the schedule for the purpose of financing the costs of operation, ~~utilities and heating, of state-owned or operated facilities that are not funded from other appropriations, including protective services, custodial and maintenance services and minor projects in state-owned and operated facilities not funded from other appropriations; utilities, fuel, heat and air conditioning and costs incurred under s. 16.895 by or on behalf of the department.~~ All moneys received from state agencies, parking rental fees under s. 16.843 (2) and miscellaneous other sources, all moneys received from assessments under s. 16.895, and all moneys transferred from the appropriation under s. 20.865 (2) (e) for this purpose shall be credited to this appropriation.

SECTION 524. 20.505 (6) (g) of the statutes is amended to read:

20.505 (6) (g) (title) *Anti-drug enforcement program, penalty assessment — local*. All moneys received from the penalty assessment surcharge on court fines and forfeitures as allocated under s. 165.87 (1) to match federal funds made available under subtitle K of title I of P.L. 99-570, except as provided in par. (h) and s. 20.435 (4) (7) (jk). The executive staff director of the office of justice assistance may transfer moneys not needed as matching funds under this paragraph to par. (h). The secretary of administration shall transfer \$250,000 from this paragraph to s. 20.435 (4) (7) (jk) in each fiscal year.

SECTION 525. 20.505 (6) (h) (title) of the statutes is amended to read:

20.505 (6) (h) (title) *Anti-drug enforcement program, penalty assessment — state*.

SECTION 526. 20.505 (6) (k) (title) of the statutes is amended to read:

20.505 (6) (k) (title) *Anti-drug enforcement program — administration*.

SECTION 526b. 20.505 (7) (title) of the statutes is created to read:

20.505 (7) (title) HOUSING ASSISTANCE.

SECTION 526c. 20.505 (7) (a) of the statutes is created to read:

20.505 (7) (a) *General program operations*. The amounts in the schedule for general program operations under subch. II of ch. 16.

SECTION 526d. 20.505 (7) (b) of the statutes is created to read:

20.505 (7) (b) *Housing grants and loans*. Biennially, the amounts in the schedule for grants and loans under s. 16.33.

SECTION 526e. 20.505 (7) (c) of the statutes is created to read:

20.505 (7) (c) *Payments to designated agents*. The amounts in the schedule for payments for services provided by agents designated under s. 16.34 (2), in accordance with agreements entered into under s. 16.34 (1).

SECTION 526f. 20.505 (7) (d) of the statutes is created to read:

20.505 (7) (d) *Grants to local housing organizations*. Biennially, the amounts in the schedule to make grants to community-based organizations or housing authorities under s. 16.36 and for grants under 1989 Wisconsin Act ... (this act), section 3001 (11v).

SECTION 526g. 20.505 (7) (d) of the statutes, as created by 1989 Wisconsin Act ... (this act), is amended to read:

20.505 (7) (d) *Grants to local housing organizations*. Biennially, the amounts in the schedule to make grants to community-based organizations or housing authorities under s. 16.36 and for grants under 1989 Wisconsin Act ... (this act), section 3001 (11v).

SECTION 526h. 20.505 (7) (e) of the statutes is created to read:

20.505 (7) (e) *Mortgage insurance assistance*. Biennially, the amounts in the schedule for the mortgage insurance assistance program under s. 16.37, subject to s. 16.37 (2) (b). No money may be encumbered under this paragraph after June 30, 1991.

SECTION 526i. 20.505 (7) (g) of the statutes is created to read:

20.505 (7) (g) *Gifts and grants*. All moneys received from gifts, grants and bequests related to housing assistance under subch. II of ch. 16 to carry out the purposes for which made or received.

SECTION 526j. 20.505 (7) (k) of the statutes is created to read:

20.505 (7) (k) *Sale of materials or services*. All moneys received from the sale of materials or services related to housing assistance under subch. II of ch. 16 to the department or other state agencies, for the purpose of providing those materials and services.

SECTION 526k. 20.505 (7) (m) of the statutes is created to read:

20.505 (7) (m) *Federal aid; state operations*. All moneys received from the federal government for state operations related to housing assistance under subch. II of ch. 16, as authorized by the governor under s. 16.54, for the purposes of state operations.

SECTION 526L. 20.505 (7) (n) of the statutes is created to read:

20.505 (7) (n) *Federal aid; local assistance*. All moneys received from the federal government for

Vetoed
in Part

- 205 -

local assistance related to housing assistance under subch. II of ch. 16, as authorized by the governor under s. 16.54, for the purposes of providing local assistance.

SECTION 526n. 20.505 (7) (o) of the statutes is created to read:

20.505 (7) (o) *Federal aid; individuals and organizations.* All moneys received from the federal government for aids to individuals and organizations related to housing assistance under subch. II of ch. 16, as authorized by the governor under s. 16.54, for the purpose of providing aids to individuals and organizations.

SECTION 526p. 20.505 (8) of the statutes is created to read:

20.505 (8) DISTRICT ATTORNEYS. (a) *General program operations.* The amounts in the schedule for general program operations related to ch. 978.

SECTION 528. 20.510 (1) (h) of the statutes is created to read:

20.510 (1) (h) *Materials and services.* The amounts in the schedule for the cost of publishing documents, locating and copying records and conducting administrative meetings and conferences and for supplies, postage and shipping. All moneys received by the board from collections for sales of publications, copies of records and supplies, for postage, for shipping and records location fees and for charges assessed to participants in administrative meetings and conferences shall be credited to this appropriation.

SECTION 530. 20.512 (1) (a) of the statutes is amended to read:

20.512 (1) (a) *General program operations.* The amounts in the schedule for administration of the civil service system under ch. 230 and for paying awards under s. 230.48 and to defray the expenses of the state employees suggestion board.

SECTION 531. 20.512 (1) (b) of the statutes is amended to read:

20.512 (1) (b) *Day care services.* The amounts in the schedule to fund a pilot grants to day care facility operated providers for certain start-up costs under s. 230.048 (2) for children of state employees. ~~No funds may be encumbered under this paragraph for the pilot day care facility in the city of Madison after June 30, 1989.~~

SECTION 532. 20.512 (1) (bm) of the statutes is created to read:

20.512 (1) (bm) *Madison day care.* The amounts in the schedule for a grant under s. 230.048 (3m). No funds may be expended or encumbered under this paragraph after June 30, 1990.

SECTION 532m. 20.512 (1) (k) of the statutes is renumbered 20.512 (1) (jm) and amended to read:

20.512 (1) (jm) *Employee development and training services.* The amounts in the schedule for providing employee development and training services ~~to state~~

agencies under s. 230.046 (10). All moneys received ~~from state agencies~~ for employee development and training services provided ~~them~~ by the department shall be credited to this appropriation.

SECTION 533. 20.515 (1) (um) of the statutes is created to read:

20.515 (1) (um) *Benefit administration.* From the public employee trust fund, biennially, the amounts in the schedule to pay other parties for medical and vocational evaluations used in determinations of eligibility for benefits under ss. 40.61, 40.63 and 40.65.

SECTION 533d. 20.515 (1) (v) of the statutes is created to read:

20.515 (1) (v) *Implementation of 1989 Wisconsin Act 13.* From moneys credited to the public employee trust fund administrative account under s. 40.04 (2), biennially, the amounts in the schedule for general program operations to perform the responsibilities of the department of employee trust funds in implementing 1989 Wisconsin Act 13.

SECTION 533e. 20.515 (1) (v) of the statutes, as created by 1989 Wisconsin Act (this act), is repealed.

SECTION 533f. 20.515 (1) (w) of the statutes is amended to read:

20.515 (1) (w) *Administration.* From moneys credited to the public employee trust fund administrative account under s. 40.04 (2), the amounts in the schedule for general program operations other than general program operations to perform the responsibilities of the department of employee trust funds in implementing 1989 Wisconsin Act 13.

SECTION 533g. 20.515 (1) (w) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

20.515 (1) (w) *Administration.* From moneys credited to the public employee trust fund administrative account under s. 40.04 (2), the amounts in the schedule for general program operations.

SECTION 535. 20.540 (1) (k) of the statutes is created to read:

20.540 (1) (k) *Grants from state agencies.* All moneys received from grants to the lieutenant governor made by state agencies, to be used for the purposes for which received.

SECTION 536b. 20.546 of the statutes is repealed.

SECTION 537. 20.547 (1) (h) of the statutes is created to read:

20.547 (1) (h) *Publications.* The amounts in the schedule for the cost of producing periodicals and other publications by the personnel commission under s. 35.29. All moneys received from the sale of subscriptions and publications of the personnel commission shall be credited to this appropriation.

SECTION 538. 20.550 (1) (i) of the statutes is created to read:

20.550 (1) (i) *Tuition payments.* All moneys received from tuition payments under s. 977.05 (5) (e) to sponsor conferences or training under s. 977.05 (5) (e).

SECTION 539. 20.566 (1) (h) of the statutes is amended to read:

20.566 (1) (h) *Debt collection.* From moneys received from the collection of debts owed to state agencies under ~~s.~~ ss. 71.93 and 565.30 (5), the amounts in the schedule to pay the administrative expenses of the department of revenue for the collection of those debts.

SECTION 539m. 20.566 (1) (u) of the statutes is amended to read:

20.566 (1) (u) *Motor fuel tax administration.* From the transportation fund, the amounts in the schedule to cover the cost of administering the motor fuel tax law, except s. 341.45.

SECTION 541. 20.566 (3) (title) of the statutes is amended to read:

20.566 (3) (title) ADMINISTRATIVE SERVICES AND SPACE RENTAL.

SECTION 542. 20.566 (3) (a) of the statutes is amended to read:

20.566 (3) (a) *General program operations.* The amounts in the schedule for the office of the secretary, the legal staff, stenographic reporter services, the research and analysis division and the administrative services division and for space rental.

SECTION 543. 20.566 (3) (u) of the statutes is created to read:

20.566 (3) (u) *Motor fuel tax data processing.* From the transportation fund, the amounts in the schedule for the payment of data processing costs incurred in administering ch. 78.

SECTION 544. 20.575 (1) (g) of the statutes is amended to read:

20.575 (1) (g) *Program fees.* The amounts in the schedule for the purpose of carrying out general program operations. Except as provided under pars. (gb), (h) and (ka), not to exceed \$4, as determined by the secretary of state, of each amount collected under ss. 180.793 (2) and (4), 180.87 (1) (j) and (p), 181.653 (4), 181.68 (1) (gm), 185.48 (4) and (6) and 185.83 (1) (e) plus 12.4% 23% of the fees collected by the secretary of state, other than fees forwarded by registers of deeds under ss. 409.403 (5) (a), 409.405 (1) and (2) and 409.406 and other than \$2 of the fees collected by the secretary of state for each filing under ss. 409.403 (5) (b), 409.405 (1) and (2) and 409.406 and other than an amount not to exceed \$4 of each amount collected under ss. 180.793 (2) and (4), 180.87 (1) (j) and (p), 181.653 (4), 181.68 (1) (gm), 185.48 (4) and (6) and 185.83 (1) (e), shall be credited to this appropriation.

SECTION 544m. 20.585 (1) (jm) of the statutes is renumbered 20.585 (1) (km) and amended to read:

20.585 (1) (km) *Credit card use charges.* All moneys received under ~~s. 14.58 (24) ss. 59.20 (8) and (8m) and 85.14 (1) (b)~~, to pay charges under ss. 23.49 and 85.14.

SECTION 545. 20.585 (1) (js) of the statutes is created to read:

20.585 (1) (js) *Investment services.* The amounts in the schedule for the cost of providing investment services under s. 25.19 (1). All moneys received from assessments under s. 25.19 (2) shall be credited to this appropriation.

SECTION 547. 20.665 (1) (cm) of the statutes is amended to read:

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

SECTION 548. 20.680 (2) (j) of the statutes is created to read:

20.680 (2) (j) *Automated information systems.* ~~The amounts in the schedule to develop, promote, coordinate and assist in the implementation of circuit court automated information systems that are compatible among counties. All moneys received under ss. 814.61, 814.62 and 814.63 that are required to be credited to this appropriation under those sections shall be credited to this appropriation.~~

Vetoed
in Part

SECTION 548m. 20.765 (2) (b) of the statutes is amended to read:

20.765 (2) (b) *Commission on uniform state laws.* For the commission on uniform state laws, biennially, the amounts in the schedule to perform its functions under s. 13.55 ~~and~~, to pay the state's annual contribution to the national conference and to pay for planning of the national conference of the commission on uniform state laws to be held in the city of Milwaukee in 1990.

SECTION 549. 20.765 (3) (em) of the statutes is amended to read:

20.765 (3) (em) (title) *Legislative data processing.* Biennially, the amounts in the schedule for the joint committee on legislative organization to provide staff support for legislative document production and retention and operation of the legislative computer and data processing system funded under sub. (1) (d).

SECTION 550. 20.765 (3) (ka) of the statutes is amended to read:

20.765 (3) (ka) *Audit bureau service charges.* The amounts in the schedule for the provision of auditing services requested by state agencies or by the federal government, for actuarial audits of the Wisconsin retirement system, for audits of the racing board and for audits of the state lottery and, to the extent of the lottery board's participation, of any multistate lotteries in which the state participates and verifications of the odds of winning a lottery game. All moneys received by the legislative audit bureau from charges assessed to departments under s. 13.94 (1s) shall be credited to this appropriation.

SECTION 551. 20.835 (1) (title) of the statutes is amended to read:

20.835 (1) (title) **SHARED REVENUE PAYMENTS.**

SECTION 553m. 20.835 (1) (f) of the statutes is created to read:

20.835 (1) (f) *Lost manufacturing value payment.* The amounts in the schedule for payments to municipalities under 1989 Wisconsin Act (this act), section 3048 (3r).

SECTION 553n. 20.835 (1) (f) of the statutes, as created by 1989 Wisconsin Act (this act), is repealed.

SECTION 554. 20.835 (2) (d) of the statutes is amended to read:

20.835 (2) (d) *Farmers' drought property tax credit.* A sum sufficient to pay the claims under s. ~~71.09 (12fd)~~ ss. 71.07 (2fd), 71.28 (1fd) and 71.47 (1fd).

SECTION 555. 20.835 (2) (dm) (title) of the statutes is amended to read:

20.835 (2) (dm) (title) *Farmland preservation credit.*

Vetoed
in Part

SECTION 555g. 20.835 (2) (dp) of the statutes is created to read:

20.835 (2) (dp) *Farmland tax relief credit, 1989 supplement.* A sum sufficient to pay the claims approved under ss. 71.07 (3m) (c) 2, 71.28 (2m) (c) 2 and 71.47 (2m) (c) 2.

SECTION 556. 20.835 (2) (eq) of the statutes is repealed.

SECTION 556m. 20.835 (2) (f) of the statutes is created to read:

20.835 (2) (f) *Earned income tax credit.* A sum sufficient to pay the claims approved under s. 71.07 (9e).

SECTION 557. 20.835 (2) (q) of the statutes is created to read:

20.835 (2) (q) *Farmland tax relief credit.* From the lottery fund, a sum sufficient to pay the aggregate claims approved under ss. 71.07 (3m) (c) ~~1~~, 71.28 (2m) (c) ~~1~~ and 71.47 (2m) (c) ~~1~~.

Vetoed
in Part

SECTION 557m. 20.835 (6) (title) of the statutes is created to read:

20.835 (6) (title) **COUNTY ASSESSMENT AIDS.**

SECTION 559m. 20.855 (3) of the statutes is created to read:

20.855 (3) **RELOCATION EXPENSES.** (a) *Capitol offices relocation.* A sum sufficient to pay for costs associated with the permanent or temporary relocation of offices located in the capitol, to be expended upon approval of the department of administration and building commission in the case of executive and judicial branch offices or the joint committee on legislative organization, in the case of legislative branch offices.

SECTION 560. 20.855 (4) (title) of the statutes is amended to read:

20.855 (4) (title) **TAX, ASSISTANCE AND TRANSFER PAYMENTS.**

SECTION 560d. 20.855 (4) (am) of the statutes is created to read:

20.855 (4) (am) *Great Lakes protection fund contribution.* As a continuing appropriation, the amounts in the schedule for the department of administration to make this state's contribution to the Great Lakes protection fund under s. 14.84.

SECTION 564. 20.855 (4) (e) of the statutes is created to read:

20.855 (4) (e) *Transfer to conservation fund; land acquisition reimbursement.* A sum sufficient in an amount equal to the amount to be paid into the conservation fund as determined under s. 25.29 (1) (d). The amounts may be paid at such intervals during each fiscal year as the secretary of administration deems appropriate or necessary.

SECTION 564m. 20.855 (4) (f) of the statutes is renumbered 20.835 (6) (a).

SECTION 564q. 20.855 (4) (t) of the statutes is created to read:

20.855 (4) (t) *Transfer to conservation fund; snowmobile formula.* On July 1 of each fiscal year, from the transportation fund, a sum sufficient in an amount as determined under s. 25.29 (1) (d) to be paid into the snowmobile trail aids account in the conservation fund.

SECTION 570m. 20.855 (9) of the statutes is created to read:

20.855 (9) **STUDIES.** (k) *Data processing and telecommunications study; program and segregated funding.* The amounts in the schedule for the department of administration to contract for a study of the state's data processing and telecommunications requirements under 1989 Wisconsin Act (this act), section 3001 (5). All moneys received from state agencies and all moneys transferred from other appropriations under 1989 Wisconsin Act (this act), section 3001 (5) (d) shall be credited to this appropriation.

SECTION 571m. 20.855 (9) of the statutes, as created by 1989 Wisconsin Act (this act), is repealed.

SECTION 574c. 20.865 (1) (d) of the statutes is amended to read:

20.865 (1) (d) *Employer fringe benefit costs.* A sum sufficient to pay the cost of state employer contributions for state employee fringe benefits under chs. 40 and 108 and s. 66.191, 1981 stats., and s. ~~56.21~~ 303.21 as determined under s. 20.928.

SECTION 576. 20.865 (1) (e) of the statutes is created to read:

20.865 (1) (e) *Additional biweekly payroll.* The amounts in the schedule to pay salary and fringe benefit costs incurred during the 27th pay period in any fiscal year in which such a period occurs for employment of permanent state employees, including permanent project employees, on the biweekly payroll system.

SECTION 577. 20.865 (1) (e) of the statutes, as created by 1989 Wisconsin Act (this act), is repealed.

SECTION 580c. 20.865 (1) (j) of the statutes is amended to read:

20.865 (1) (j) *Employer fringe benefit costs; program revenues.* From the appropriate program revenue and program revenue-service accounts, a sum sufficient to supplement the appropriations to state agencies to pay the cost of state employer contributions for state employee fringe benefits under chs. 40 and 108 and s. 66.191, 1981 stats., and s. ~~56.24~~ 303.21 as determined under s. 20.928.

SECTION 582. 20.865 (1) (jm) of the statutes is created to read:

20.865 (1) (jm) *Additional biweekly payroll; nonfederal program revenues.* From the appropriate nonfederal program revenue and program revenue-service accounts, a sum sufficient to pay salary and fringe benefit costs incurred during the 27th pay period in any fiscal year in which such a period occurs for employment of permanent state employees, including permanent project employees, on the biweekly payroll system.

SECTION 583. 20.865 (1) (jm) of the statutes, as created by 1989 Wisconsin Act (this act), is repealed.

SECTION 584. 20.865 (1) (m) of the statutes is created to read:

20.865 (1) (m) *Additional biweekly payroll; federal program revenues.* From the appropriate federal program revenue accounts, a sum sufficient to pay salary and fringe benefit costs incurred during the 27th pay period in any fiscal year in which such a period occurs for employment of permanent state employees, including permanent project employees, on the biweekly payroll system.

SECTION 585. 20.865 (1) (m) of the statutes, as created by 1989 Wisconsin Act (this act), is repealed.

SECTION 588c. 20.865 (1) (t) of the statutes is amended to read:

20.865 (1) (t) *Employer fringe benefit costs; segregated revenues.* From the appropriate segregated funds, a sum sufficient to supplement the appropriations to state agencies to pay the cost of state employer contributions for state employee fringe benefits under chs. 40 and 108 and s. 66.191, 1981 stats., and s. ~~56.24~~ 303.21 as determined under s. 20.928.

SECTION 590. 20.865 (1) (tm) of the statutes is created to read:

20.865 (1) (tm) *Additional biweekly payroll; nonfederal segregated revenues.* From the appropriate segregated funds derived from nonfederal segregated revenues, a sum sufficient to pay salary and fringe benefit costs incurred during the 27th pay period in any fiscal year in which such a period occurs for employment of permanent state employees, including permanent project employees, on the biweekly payroll system.

SECTION 591. 20.865 (1) (tm) of the statutes, as created by 1989 Wisconsin Act (this act), is repealed.

SECTION 592. 20.865 (1) (x) of the statutes is created to read:

20.865 (1) (x) *Additional biweekly payroll; federal segregated revenues.* From the appropriate segregated funds derived from federal segregated revenues, a sum sufficient to pay salary and fringe benefit costs incurred during the 27th pay period in any fiscal year in which such a period occurs for employment of permanent state employees, including permanent project employees, on the biweekly payroll system.

SECTION 593. 20.865 (1) (x) of the statutes, as created by 1989 Wisconsin Act (this act), is repealed.

SECTION 594. 20.865 (2) (title) of the statutes is amended to read:

20.865 (2) (title) STATE PROGRAMS AND FACILITIES.

SECTION 595. 20.865 (2) (a) of the statutes is amended to read:

20.865 (2) (a) *Space management supplements.* The amounts in the schedule to finance the costs of remodeling, moving, additional rental costs and move-related vacant space costs incurred by state agencies, except costs financed under s. 20.855 (3) (a).

SECTION 598. 20.865 (2) (L) of the statutes is created to read:

20.865 (2) (L) *Data processing and telecommunications study; program revenues.* From the appropriate program revenue and program revenue-service accounts, a sum sufficient to pay assessments to state agencies and charges to miscellaneous appropriations for the data processing and telecommunications study under 1989 Wisconsin Act (this act), section 3001 (5).

SECTION 599. 20.865 (3) (title) of the statutes is amended to read:

20.865 (3) (title) TAXES AND SPECIAL CHARGES.

SECTION 600. 20.866 (intro.) of the statutes is amended to read:

20.866 Public debt. (intro.) There are irrevocably appropriated to the bond security and redemption fund and to the capital improvement fund, as a first charge upon all revenues of this state, sums sufficient for payment of principal, interest and premium due, if any, on public debt acquired in accordance with contracted under ch. 18.

SECTION 601m. 20.866 (1) (u) of the statutes 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 (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1) (d), 20.285 (1) (d), (db) and (gb), 20.370 (1) (kc) and (kw), ~~(2) (jc),~~ (4) (jb), (jc), (jd) and (jq) and (8) (Lb) and (Ls), 20.395 (6) (aq) and (ar), 20.435 (2) (ee), (3) (e), (ec) and (ko) and (5) (e), 20.455 (2) (cm), 20.465 (1) (d), 20.485 (1) (f) and (3) (t), 20.505 (5) (kc) and 20.867 (1) (a) and (b)

and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on public debt ~~acquired in accordance with~~ contracted under ch. 18.

SECTION 601mc. 20.866 (1) (u) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated 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 (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1) (d), 20.285 (1) (d), (db) and (gb), 20.370 (1) (kc) and (kw), (2) (jc), (4) (jb), (jc), (jd) and (jq) and (8) (Lb) and (Ls), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec) and (ko), 20.435 (2) (ee) and (5) (e), 20.455 (2) (cm), 20.465 (1) (d), 20.485 (1) (f) and (3) (t), 20.505 (5) (kc) and 20.867 (1) (a) and (b) and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on public debt contracted under ch. 18.

SECTION 601mm. 20.866 (2) (s) of the statutes is amended to read:

20.866 (2) (s) *University of Wisconsin; academic facilities.* From the capital improvement fund, a sum sufficient 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 ~~\$566,701,100~~ \$647,320,100 for this purpose.

SECTION 601mp. 20.866 (2) (t) of the statutes is amended to read:

20.866 (2) (t) *University of Wisconsin; self-amortizing facilities.* From the capital improvement fund, a sum sufficient 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 ~~\$122,066,600~~ \$180,742,100 for this purpose. Of this amount, \$4,500,000 is allocated only for the university of Wisconsin-Madison indoor practice facility for athletic programs and only at the time that ownership of the facility is transferred to the state.

SECTION 601mr. 20.866 (2) (tc) of the statutes is amended to read:

20.866 (2) (tc) *Natural resources; clean water fund.* From the capital improvement fund, a sum sufficient to be transferred to the clean water fund for the purposes of s. 144.241. The state may contract public debt in an amount not to exceed ~~\$1,000~~ \$243,400,000 for this purpose. ~~Notwithstanding ss. 18.04 (6) (b) and (d) and 18.08 (1) (a), all moneys resulting from the contracting of public debt under this paragraph, including moneys which represent premium and accrued interest on bonds or notes issued, shall be transferred to the clean water fund immediately after the moneys are credited to the capital improvement fund~~ Of this amount, the amount needed to meet the requirements for state deposits under 33 USC 1382 is

allocated for those deposits. Payments may be made from this appropriation only after March 31, 1990, and then only for direct loans for transition projects under s. 144.241 (20).

SECTION 601na. 20.866 (2) (tg) of the statutes is created to read:

20.866 (2) (tg) *Natural resources; environmental repair.* From the capital improvement fund, a sum sufficient for the department of natural resources to take remedial action under s. 144.442 (6) for sites and facilities subject to s. 144.442 (6) (cm) and for payment of this state's share of environmental repair that is funded under 42 USC 9601 to 9675. The state may contract public debt in an amount not to exceed \$7,500,000 for this purpose.

SECTION 601nb. 20.866 (2) (tp) of the statutes is amended to read:

20.866 (2) (tp) (title) *Natural resources; recreation projects.* From the capital improvement fund, a sum sufficient for the department of natural resources to acquire, construct, develop or enlarge state recreation facilities and to assist municipalities and other qualifying entities in the acquisition, construction, development, enlargement or improvement of recreational boating ~~facilities~~ projects under s. 30.92. The state may contract public debt in an amount not to exceed \$56,055,000 for this purpose. Of this amount, \$1,200,000 is allocated to assist municipalities and other qualifying entities in the acquisition, construction, development, enlargement or improvement of recreational boating ~~facilities~~ projects under s. 30.92.

Vetoed
in Part

Vetoed
in Part

SECTION 601nc. 20.866 (2) (tq) of the statutes is amended to read:

20.866 (2) (tq) *Natural resources; local parks land acquisition and development.* From the capital improvement fund, a sum sufficient for the department of natural resources to pay the state's share of aids ~~for land acquisition and development of local parks~~ under s. 23.09 (20). The state may contract public debt in an amount not to exceed ~~\$1,660,000~~ \$2,490,000 for this purpose.

Vetoed
in Part

SECTION 601nd. 20.866 (2) (tr) of the statutes is amended to read:

20.866 (2) (tr) *Natural resources; recreation development.* From the capital improvement fund, a sum sufficient for the department of natural resources to acquire, construct, develop, enlarge or improve state recreation facilities and state fish hatcheries. The state may contract public debt in an amount not to exceed ~~\$6,015,000~~ \$9,934,500 for this purpose.

SECTION 601ng. 20.866 (2) (ts) of the statutes is amended to read:

20.866 (2) (ts) *Natural resources; land acquisition.* From the capital improvement fund, a sum sufficient for the department of natural resources for outdoor recreation land acquisition activities and for acquiring state forest lands. The state may contract public debt

in an amount not to exceed ~~\$38,403,600~~ \$45,608,600 for ~~this purpose~~ these purposes. Of this amount of public debt not authorized for the department before the effective date of this paragraph [revisor inserts date], \$2,000,000 is allocated on the effective date of this paragraph [revisor inserts date], for natural areas land acquisition activities.

SECTION 601nh. 20.866 (2) (tt) of the statutes is amended to read:

20.866 (2) (tt) (title) *Natural resources; Wisconsin natural areas heritage program.* From the capital improvement fund, as a part of the outdoor recreation land acquisition program, a sum sufficient for the department of natural resources for natural areas land acquisition activities under the Wisconsin natural areas heritage program. The state may contract public debt in an amount not to exceed ~~\$2,000,000~~ \$2,500,000 for this purpose. Moneys from this appropriation may be expended in each fiscal year only in an amount equal to the value of all gifts, contributions and land dedications accepted under the Wisconsin natural areas heritage program.

SECTION 601nn. 20.866 (2) (tu) of the statutes is amended to read:

20.866 (2) (tu) *Natural resources; segregated revenue supported facilities.* From the capital improvement fund, a sum sufficient for the department of natural resources to acquire, construct, develop, enlarge or improve natural resource administrative office, laboratory, equipment storage or maintenance facilities and to construct, develop, enlarge or improve recreation facilities. The state may contract public debt in an amount not to exceed ~~\$3,722,500~~ \$4,771,500 for this purpose.

SECTION 601np. 20.866 (2) (tv) of the statutes is amended to read:

20.866 (2) (tv) (title) *Natural resources; general fund supported administrative facilities.* From the capital improvement fund, a sum sufficient 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 ~~\$3,754,300~~ \$5,155,300 for this purpose.

SECTION 601nq. 20.866 (2) (tw) of the statutes is amended to read:

20.866 (2) (tw) *Natural resources; ice age trail.* From the capital improvement fund, as a part of the outdoor recreation land acquisition program, a sum sufficient for the department of natural resources for the development of the ice age trail under s. 23.17. The state may contract public debt in an amount not to exceed ~~\$500,000~~ \$750,000 for this purpose. Moneys from this appropriation may be expended in each fiscal year only in an amount to match funds received under s. 20.370 (1) (gg) from gifts, grants or bequests or an amount equal to the fair market value of the

land donated for the acquisition or development of the ice age trail, at the ratio of 1 to 2 1.5.

SECTION 601nr. 20.866 (2) (tx) of the statutes is created to read:

20.866 (2) (tx) *Natural resources; dam maintenance, repair, modification, abandonment and removal.* From the capital improvement fund, a sum sufficient for the department of natural resources to provide financial assistance to counties, cities, villages, towns and public inland lake protection and rehabilitation districts in conducting dam maintenance, repair, modification, abandonment and removal under s. 31.385. The state may contract public debt in an amount not to exceed \$2,500,000 for this purpose.

SECTION 601nrm. 20.866 (2) (tz) of the statutes is created to read:

20.866 (2) (tz) *Natural resources, stewardship program.* From the capital improvement fund a sum sufficient for the purposes specified in s. 23.0915. The state may contract public debt in an amount not to exceed \$250,000,000 for this purpose. The amounts expended under this paragraph and the amounts received and expended by the state for land acquisition under 16 USC 669-669i, 777-777i and 460L-460L-22 may not exceed \$25,000,000 in each fiscal year.

SECTION 601ns. 20.866 (2) (ug) of the statutes is amended to read:

20.866 (2) (ug) *Transportation; accelerated bridge improvements.* From the capital improvement fund, a sum sufficient to acquire, construct, develop, enlarge or improve ~~intrastate~~ local bridges under s. 84.11 and interstate bridges under s. 84.12. The state may contract public debt in an amount not to exceed \$46,849,800 for this purpose.

SECTION 601nt. 20.866 (2) (v) of the statutes is amended to read:

20.866 (2) (v) *Health and social services; mental health facilities.* From the capital improvement fund, a sum sufficient for the department of health and social services to acquire, construct, develop, enlarge or extend mental health facilities. The state may contract public debt in an amount not to exceed ~~\$46,610,300~~ \$60,012,800 for this purpose.

SECTION 601nv. 20.866 (2) (w) of the statutes is amended to read:

20.866 (2) (w) *Health and social services; correctional facilities.* From the capital improvement fund, a sum sufficient 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 ~~\$182,961,100~~ \$205,112,300 for this purpose.

SECTION 601nx. 20.866 (2) (w) of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 20.866 (2) (ux) and amended to read:

20.866 (2) (ux) (title) *Corrections; correctional facilities.* From the capital improvement fund, a sum sufficient for the department of ~~health and social services~~

corrections to acquire, construct, develop, enlarge or improve correctional facilities. The state may contract public debt in an amount not to exceed \$205,112,300 for this purpose.

SECTION 601nc. 20.866 (2) (wa) of the statutes is renumbered 20.866 (2) (uy) and amended to read:

20.866 (2) (uy) (title) *Corrections; self-amortizing equipment*. From the capital improvement fund, a sum sufficient for the department of ~~health and social services~~ corrections to acquire, develop, enlarge or improve equipment used in existing prison industries. The state may contract public debt in an amount not to exceed \$700,000 for this purpose.

SECTION 601oa. 20.866 (2) (xa) of the statutes is amended to read:

20.866 (2) (xa) *Building commission; refunding corporation tax supported debt*. From the capital improvement fund, a sum sufficient to fund or refund the whole or any part of any unpaid indebtedness used to finance facilities in which lease rental payments are paid from general purpose revenue and incurred prior to January 1, 1970, by the Wisconsin state agencies building corporation or the Wisconsin state public building corporation. The state may contract public debt in an amount not to exceed ~~\$63,676,300~~ \$26,770,000 for this purpose. Such indebtedness shall be construed to include any premium payable with respect thereto. Debt incurred by this paragraph shall be repaid under the appropriations providing for the retirement of public debt incurred under par. (s), (v), (w), (y) or (zm) in proportional amounts to the purposes for which the debt was refinanced. It is the intent of the legislature that this refunding authority only be used if the true interest costs to the state can be reduced.

SECTION 601ob. 20.866 (2) (xa) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

20.866 (2) (xa) *Building commission; refunding corporation tax supported debt*. From the capital improvement fund, a sum sufficient to fund or refund the whole or any part of any unpaid indebtedness used to finance facilities in which lease rental payments are paid from general purpose revenue and incurred prior to January 1, 1970, by the Wisconsin state agencies building corporation or the Wisconsin state public building corporation. The state may contract public debt in an amount not to exceed \$26,770,000 for this purpose. The indebtedness shall be construed to include any premium payable with respect thereto. Debt incurred by this paragraph shall be repaid under the appropriations providing for the retirement of public debt incurred under par. (s), (ux), (v), (y) or (zm) in proportional amounts to the purposes for which the debt was refinanced. It is the intent of the legislature that this refunding authority only be used if the true interest costs to the state can be reduced.

SECTION 601oc. 20.866 (2) (xb) of the statutes is amended to read:

20.866 (2) (xb) *Building commission; refunding corporation self-amortizing debt*. From the capital improvement fund, a sum sufficient to fund or refund the whole or any part of any unpaid indebtedness used to finance self-amortizing facilities in which program revenues or corresponding segregated revenues from program receipts reimburse lease rental payments advanced by general purpose revenue, and incurred prior to January 1, 1970, by the Wisconsin state agencies building corporation, Wisconsin state colleges building corporation or Wisconsin university building corporation. The state may contract public debt in an amount not to exceed ~~\$37,545,100~~ \$8,866,700 for this purpose. Such indebtedness shall be construed to include any premium payable with respect thereto. Debt incurred by this paragraph shall be repaid under the appropriations providing for the retirement of public debt incurred under par. (t), (u), (ur) or (zz) in proportional amounts to the purposes for which the debt was refinanced. The refunding authority provided in this paragraph may be used only if the true interest costs to the state can be reduced thereby.

SECTION 601pa. 20.866 (2) (y) of the statutes is amended to read:

20.866 (2) (y) *Building commission; housing state departments and agencies*. From the capital improvement fund, a sum sufficient 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 ~~\$83,757,400~~ \$87,257,400 for this purpose.

SECTION 601pc. 20.866 (2) (ym) of the statutes is amended to read:

20.866 (2) (ym) *Building commission; capital equipment acquisition*. From the capital improvement fund, a sum sufficient to the state building commission to acquire capital equipment for state departments and agencies. The state may contract public debt in an amount not to exceed ~~\$34,500,000~~ \$43,500,000 for this purpose.

SECTION 606. 20.866 (2) (yr) of the statutes is created to read:

20.866 (2) (yr) *Building commission; discount sale of debt*. From the capital improvement fund, a sum sufficient to pay the difference between the amount of public debt contracted and any lesser amount, not including accrued interest, received upon the sale of the public debt. The state may contract public debt in an amount not to exceed \$25,000,000 for this purpose.

SECTION 606g. 20.866 (2) (z) of the statutes is amended to read:

20.866 (2) (z) *Building commission; other public purposes*. From the capital improvement fund, a sum sufficient to the building commission for relocation assistance and capital improvements for other public purposes authorized by law but not otherwise speci-

fied in this chapter. The state may contract public debt in an amount not to exceed ~~\$239,911,000~~ \$310,006,000 for this purpose.

SECTION 606h. 20.866 (2) (ze) of the statutes is amended to read:

20.866 (2) (ze) *Historical society; self-amortizing facilities.* From the capital improvement fund, a sum sufficient for the historical society to acquire, construct, develop, enlarge or improve facilities at ~~the circus world museum at Baraboo~~ historic sites. The state may contract public debt in an amount not to exceed ~~\$770,000~~ \$1,057,000 for this purpose.

SECTION 606i. 20.866 (2) (zg) of the statutes is amended to read:

20.866 (2) (zg) *Historical society, museum facility.* From the capital improvement fund, a sum sufficient for the historical society to acquire and remodel a museum facility. The state may contract public debt in an amount not to exceed ~~\$3,982,000~~ \$4,384,400 for this purpose.

SECTION 606j. 20.866 (2) (zh) of the statutes is amended to read:

20.866 (2) (zh) *Public instruction, state schools.* From the capital improvement fund, a sum sufficient for the department of public instruction to acquire, construct, develop, enlarge or improve institutional facilities for the ~~deaf hearing impaired~~ and the visually handicapped and reference and loan library facilities. The state may contract public debt in an amount not to exceed ~~\$6,842,700~~ \$7,367,700 for this purpose.

SECTION 606k. 20.866 (2) (zi) of the statutes is amended to read:

20.866 (2) (zi) *Military affairs, armories and military facilities.* From the capital improvement fund, a sum sufficient for the department of military affairs to acquire, construct, develop, enlarge, or improve armories and other military facilities. The state may contract public debt in an amount not to exceed ~~\$6,544,200~~ \$15,629,200 for this purpose.

SECTION 606L. 20.866 (2) (zm) of the statutes is amended to read:

20.866 (2) (zm) *Veterans affairs, Wisconsin veterans home.* From the capital improvement fund, a sum sufficient for the department of veterans affairs to acquire, construct, develop, enlarge or improve facilities at the Wisconsin veterans home. The state may contract public debt in an amount not to exceed ~~\$2,744,000~~ \$9,893,000 for this purpose.

SECTION 607. 20.866 (2) (zn) of the statutes is amended to read:

20.866 (2) (zn) *Veterans affairs, self-amortizing mortgage loans.* From the capital improvement fund, a sum sufficient for the department of veterans affairs for loans to veterans under s. 45.79 (6) (a). The state may contract public debt in an amount not to exceed ~~\$1,299,000,000~~ \$1,340,000,000 for this purpose.

SECTION 609. 20.867 (2) (title) of the statutes is amended to read:

20.867 (2) (title) ALL STATE-OWNED FACILITIES.

SECTION 609mm. 20.867 (3) (k) of the statutes is repealed and recreated to read:

20.867 (3) (k) *Interest rebates on obligation proceeds; program revenues.* All moneys transferred from the appropriations under ss. 20.115 (5) (j), 20.245 (2) (j), 20.285 (1) (gb), 20.410 (1) (ko), 20.505 (5) (kc) and 20.867 (3) (g) and (i) to make the payments determined by the building commission under s. 13.488 (1) (m) on the proceeds of obligations specified in those paragraphs.

SECTION 609r. 20.867 (4) (q) of the statutes is amended to read:

20.867 (4) (q) *Funding in lieu of borrowing.* As a continuing appropriation, all interest earnings of the capital improvement fund accrued after September 30, 1983, except interest earnings arising from the investment of proceeds of public debt contracted under s. 20.866 (2) (~~ze~~) (zn) and (~~zn~~) (zo) on and after March 24, 1985, to permit funding in lieu of borrowing for the purposes for which the contracting of public debt is authorized under s. 20.866 (2) before March 24, 1985, and under s. 20.866 (2) (s) to (zm) and (zz) on and after March 24, 1985, and under s. 20.866 (2) (s) to (ty), (ug) to (ut), (uv) to (zm) and (zz) on and after the effective date of this paragraph ... [revisor inserts date]; and to permit funding for the purposes for which the contracting of public debt is authorized under s. 20.866 (2) (u) and (uu), regardless of the borrowing limits under s. 20.866 (2) (u) and (uu), on and after the effective date of this paragraph ... [revisor inserts date]. Expenditures from this appropriation for each purpose under s. 20.866 (2) (s) to (zm) and (zz) may not exceed the net interest earnings attributable to the corresponding account created under s. 18.08 (1) (b). Net interest earnings shall be allocated quarterly to accounts created under s. 18.08 (1) (b), on the basis of the average daily balance of each account during the quarter, except that accounts with a negative average daily balance shall not receive any interest earnings for that quarter. Balances attributable to accounts created under s. 18.08 (1) (b) may temporarily be utilized to support the expenditures of other accounts, pending the sale of public debt to provide funds for the program purposes of other accounts. Notwithstanding s. 20.866 (2) (s) to (zm) and (zz) or any nonstatutory state building program project enumeration, this appropriation may be used in lieu of borrowing under s. 20.866 (2) (s) to (zm) and (zz) on and after March 25, 1985, and in lieu of borrowing under s. 20.866 (2) (s) to (ty), (ug) to (ut), (uv) to (zm) and (zz) on and after the effective date of this paragraph ... [revisor inserts date]; and may be used regardless of the borrowing limits under s. 20.866 (2) (u) and (uu) on and after the effective date of this paragraph ... [revisor inserts date].

SECTION 615. 20.903 (2) (b) of the statutes is amended to read:

20.903 (2) (b) Notwithstanding sub. (1), liabilities may be created and moneys expended from the appropriations under ss. 20.255 (1) (kw), 20.395 (4) (er) and (es), 20.505 (1) (im), (ka), (kb), (kc), (kd) and (kg) and 20.855 (8) (k), (ka), (kb) and (kc) in an additional amount not exceeding the depreciated value of equipment for operations financed under ss. 20.255 (1) (kw), 20.395 (4) (er) and (es), 20.505 (1) (im), (ka), (kb), (kc), (kd) and (kg) and 20.855 (8) (k), (ka), (kb) and (kc). The secretary of administration may require such statements of assets and liabilities as he or she deems necessary before approving expenditure estimates in excess of the unexpended moneys in the appropriation account. 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 616. 20.903 (2) (bn) of the statutes is amended to read:

20.903 (2) (bn) Notwithstanding sub. (1), liabilities may be created and moneys expended from the ~~appropriation~~ appropriations under s. 20.435 (3) (kk) and (km) in an additional amount not exceeding the value of the equipment and buildings for operations financed under s. 20.435 (3) (kk) and (km).

SECTION 617. 20.903 (2) (bn) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

20.903 (2) (bn) Notwithstanding sub. (1), liabilities may be created and moneys expended from the appropriations under s. 20.410 (1) (kk) and (km) in an additional amount not exceeding the value of the equipment and buildings for operations financed under s. 20.410 (1) (kk) and (km).

SECTION 618. 20.905 (3) of the statutes is amended to read:

20.905 (3) (title) OVERPAYMENTS AND UNDERPAYMENTS. Unless otherwise provided by law, state institutions and agencies, as defined in s. 227.01 (1) but also including the office of district attorney, may retain overpayments of fees, licenses, and similar charges when the overpayment is \$2 or less, unless such refund is specifically requested in writing. Underpayments of not more than \$2 may be waived when the administrative cost of collection would exceed the amount of underpayment.

SECTION 619. 20.913 (3) (bm) of the statutes is created to read:

20.913 (3) (bm) *Corrections*. For repayment of moneys paid under s. 301.32 (1), the payments to be made upon the certification of the department of corrections.

SECTION 620. 20.913 (3) (c) of the statutes is amended to read:

20.913 (3) (c) *Health and social services*. For repayment of moneys paid under s. 46.07 (4), ~~such~~ the pay-

ments to be made upon the certification of the department of health and social services.

SECTION 621. 20.916 (3) of the statutes is amended to read:

20.916 (3) FURNISHING OF GROUP TRANSPORTATION TO PLACE OF WORK. The department of health and social services, the department of corrections and the department of natural resources may, with the approval of the governor and the department of administration, provide group transportation, in the absence of convenient and public scheduled transportation, for employees to and from the Mendota and Winnebago mental health institutes; and the centers for the developmentally disabled; in the case of employees of the department of health and social services, to the Taycheedah correctional institution, the Ethan Allen school and the Fox Lake correctional institution in the case of employees of the department of ~~health and social services~~ corrections, and to and from its temporary branch offices located at the Nevin fish hatchery grounds in the case of employees of the department of natural resources. Any employee, if injured while being so transported, shall be deemed to have been in the course of his or her employment.

SECTION 622. 20.917 (5) (a) (intro.) of the statutes is amended to read:

20.917 (5) (a) (intro.) To encourage affirmative action, as defined in s. 230.03 (2), at the correctional facilities under s. ~~53.01~~ 302.01, the department of ~~health and social services~~ corrections may, from the appropriation under s. ~~20.435 (3)~~ 20.410 (1) (a), reimburse an employee for any of the following expenses incurred during the first 30 days of employment or the first 30 days following successful completion of a preservice training program:

SECTION 623. 20.923 (2) (j) of the statutes is created to read:

20.923 (2) (j) The annual salary of a district attorney shall be set under s. 978.12.

SECTION 623m. 20.923 (3) of the statutes is amended to read:

20.923 (3) JUSTICES AND JUDGES. The annual salary for any supreme court justice or judge of the court of appeals or circuit court shall be established under sub. (2), except that any compensation adjustments granted under s. 230.12 shall not become effective until such time as any justice or judge ~~of the same court~~ takes the oath of office.

SECTION 625c. 20.923 (4) (intro.) of the statutes is amended to read:

20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the administrator of the division of merit recruitment and selection 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 par. (c) 3m and sub. (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 secretary of employment relations to one of the 10 executive salary groups listed in pars. (a) to (j). The joint committee on employment relations, by majority vote of the full committee, may amend recommendations for initial position assignments and changes in assignments to the executive salary groups submitted by the secretary of employment relations. All division administrator assignments and amendments to assignments of administrator positions approved by the committee shall become part of the compensation plan. Whenever a new unclassified division administrator position is created, the appointing authority may set the salary for the position until the joint committee on employment relations approves assignment of the position to an executive salary group. If the committee approves assignment of the position to an executive salary group having a salary range minimum or maximum inconsistent with the salary paid to the incumbent at the time of such approval, the incumbent's salary shall be adjusted by the appointing authority to conform with the committee's action, effective on the date of that action. If on the effective date of this subsection [revisor inserts date], the position of any individual who serves in a classified position as a bureau director in the department of health and social services, or as an employe of the office of administrative hearings in the office of the secretary of health and social services, becomes a position in the unclassified service in the division of corrections hearings in the department of administration, as enumerated in 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 until the joint committee on employment relations approves an assignment of the unclassified division administrator position to one of the 10 executive salary groups. Positions are assigned as follows:

SECTION 627. 20.923 (4) (a) 2m of the statutes is amended to read:

20.923 (4) (a) 2m. ~~Health and social services Corrections~~, department of: director of prison industries.

SECTION 632. 20.923 (4) (b) 3 of the statutes is repealed.

SECTION 633. 20.923 (4) (b) 6 of the statutes is created to read:

20.923 (4) (b) 6. Parole commission: chairperson.

SECTION 634. 20.923 (4) (c) 4m of the statutes is amended to read:

20.923 (4) (c) 4m. Personnel commission: chairperson and other members. ~~The governor, at the time a new member of the personnel commission is appointed, shall specify the proportion of the salary~~

~~which is within the range for the group under this paragraph and which shall be paid to the new member. The governor shall base the salary on the anticipated workload and responsibilities of the commission during the term of the new member.~~

SECTION 635g. 20.923 (4) (d) 4 of the statutes is renumbered 20.923 (4) (e) 1.

SECTION 635r. 20.923 (4) (e) 1 of the statutes is renumbered 20.923 (4) (e) 1m.

SECTION 636. 20.923 (4) (f) 2g of the statutes is created to read:

20.923 (4) (f) 2g. Corrections, department of: secretary.

~~SECTION 636g. 20.923 (4) (f) 2m of the statutes is renumbered 20.923 (4) (f) 7x and amended to read:~~

~~20.923 (4) (f) 7x. Development Tourism and development, department of: secretary.~~

Vetoed
in Part

SECTION 636m. 20.923 (4) (f) 6 of the statutes is amended to read:

20.923 (4) (f) 6. Legislature; legislative council: ~~executive secretary staff: director.~~

SECTION 637m. 20.923 (6) (intro.) of the statutes is amended to read:

20.923 (6) SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the following positions may be set by the appointing authority, subject to restrictions otherwise set forth in the statutes and the compensation plan under s. 230.12-, except where the salaries are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91:

SECTION 638mc. 20.923 (6) (ac) of the statutes is created to read:

20.923 (6) (ac) Administration, department of: deputy and assistant district attorneys.

SECTION 638mg. 20.923 (6) (bg) of the statutes is created to read:

20.923 (6) (bg) Historical society: assistant directors, librarian of the historical society library, state archivist and state historian.

SECTION 639am. 20.923 (6) (hd) of the statutes is amended to read:

20.923 (6) (hd) Lottery board: ~~deputy director and~~ assistant directors.

SECTION 640m. 20.923 (6) (hh) of the statutes is created to read:

20.923 (6) (hh) Lower Wisconsin state riverway board: staff employes.

SECTION 641am. 20.923 (6) (hp) of the statutes is amended to read:

20.923 (6) (hp) Racing board: ~~employes~~ assistant director.

SECTION 644m. 20.923 (11) of the statutes is repealed.

SECTION 644r. 20.923 (14) of the statutes is amended to read:

20.923 (14) SALARY ADMINISTRATION. Except as provided in s. 36.09 (1) (j), any adjustment of salary for any incumbent in a position specified in subs. (4), (4m), (8), (9), ~~(11)~~ and (12) is governed by the provisions of the compensation plan concerning executive salary groups as adopted by the joint committee on employment relations under s. 230.12 (3) (b).

Vetoed
in Part

~~SECTION 645m. 20.928 (3) of the statutes, as affected by 1987 Wisconsin Act 4, section 21m, is amended to read:~~

~~20.928 (3) All compensation adjustments for state employees approved by the legislature shall take effect and be earned at the beginning of the pay period closest to July 1 or the date prescribed by law or by the appropriate authority. In the odd-numbered years, payments for such adjustments, including payments under collective bargaining agreements, may not be made prior to enactment of the last biennial budget bill act to be enacted in each fiscal biennium. This subsection does not apply after June 30, 1993.~~

~~SECTION 645n. 20.928 (3) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:~~

~~20.928 (3) All compensation adjustments for state employees approved by the legislature shall take effect and be earned at the beginning of the pay period closest to July 1 or the date prescribed by law or by the appropriate authority. In the odd-numbered years, payments for such adjustments, including payments under collective bargaining agreements, may not be made prior to enactment of the last biennial budget act to be enacted in each fiscal biennium. This subsection does not apply after June 30, 1993.~~

SECTION 646m. 21.20 of the statutes is amended to read:

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

SECTION 647. 21.20 of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

21.20 Civil service status. All full-time state-paid employees of the department of military affairs shall be under the classified service, except the adjutant general, the executive assistant to the adjutant general, the deputy adjutants general for army and air and the administrator of the division of emergency government.

SECTION 648m. 21.49 (2) (intro.) of the statutes is amended to read:

21.49 (2) ELIGIBLE GUARD MEMBER. (intro.) Eligibility for a tuition grant under this section is limited to a guard member who is ~~a new enlistee to the guard, as determined by the department of military affairs and who is not:~~

SECTION 648p. 21.49 (2) (b) of the statutes is repealed.

SECTION 648r. 21.49 (2) (c) of the statutes is amended to read:

21.49 (2) (c) An individual with a baccalaureate degree or its equivalent; or

SECTION 648s. 21.49 (2) (d) of the statutes is repealed.

SECTION 649. 21.49 (3) (a) of the statutes is amended to read:

21.49 (3) (a) Any eligible guard member upon satisfactory completion of a full-time or part-time course in a qualifying school is eligible for a tuition grant equal to ~~50%~~ 25% of the actual tuition charged by the school or ~~50%~~ 25% of the maximum resident tuition charged by the university of Wisconsin-Madison for a comparable number of credits for a comparable portion of the academic year, whichever amount is less.

SECTION 650. 21.49 (4) (c) of the statutes is repealed.

SECTION 650c. 21.56 (2) of the statutes is amended to read:

21.56 (2) Whenever any state-owned military property becomes unsuitable, unserviceable or no longer required for military purposes, it shall be disposed of as surplus property subject to s. 16.72 (4) and (5).

SECTION 650f. 23.09 (2) (d) 11 of the statutes is created to read:

23.09 (2) (d) 11. For the purposes provided in ss. 30.40 to 30.49 in the lower Wisconsin state riverway as defined in s. 30.40 (15).

SECTION 650fg. 23.09 (2) (d) 12 of the statutes is created to read:

23.09 (2) (d) 12. For state trails.

~~SECTION 650fm. 23.09 (2) (hm) of the statutes is created to read:~~

~~23.09 (2) (hm) *Prairie seed farm program.* Operate a program to cultivate native seeds and plants and to plant them along state and county highways and other lands that are not private lands.~~

SECTION 650fnm. 23.09 (2dm) of the statutes is created to read:

23.09 (2dm) LAND ACQUISITION; PRIORITIES. (a) In expending moneys from the appropriation under s. 20.866 (2) (tz) to acquire lands under par. (d), the department shall establish a higher priority for the acquisition of lands within the boundaries of projects established on or before January 1, 1988.

(b) The department shall allocate at least \$1,720,000 of the moneys appropriated under s. 20.866 (2) (tz) in each fiscal year for the acquisition of lands within the boundaries of projects established after January 1, 1988.

SECTION 650fp. 23.09 (2p) of the statutes is created to read:

23.09 (2p) DONATIONS OF LAND. (a) The department shall determine the value of land donated to the

Vetoed
in Part

department that is within the project boundaries of a state park, a state forest or a state recreation area. If the donation involves the transfer of the title in fee simple absolute or other arrangement for the transfer of all interest in the land to the state, the valuation shall be based on the fair market value of the land before the transfer. If the donation is a dedication transferring a partial interest in land to the state, the valuation shall be based on the extent to which the fair market value of the land is diminished by that transfer and the associated articles of dedication. If the donation involves a sale of land to the department at less than the fair market value, the valuation of the donation shall be based on the difference between the purchase price and the fair market value.

(b) Beginning July 1, 1990, an amount of money equal to the value of the donation shall be released from the appropriation under s. 20.866 (2) (tz) to be used for land acquisition activities for the same project for which any donation was made on or after the effective date of this paragraph [revisor inserts date]. This paragraph does not apply to transfers of land from agencies other than the department.

(c) If the moneys appropriated under s. 20.866 (2) (tz) in any fiscal year are insufficient to make the expenditure under par. (b), the department shall make the expenditure in the following fiscal year.

(d) This subsection does not apply to an easement granted to the department under s. 23.092 or 23.094.

SECTION 650fq. 23.09 (2q) of the statutes is created to read:

23.09 (2q) STEWARDSHIP PROGRAM. In each fiscal year, the department may not expend:

(a) More than \$8,600,000 under subs. (2dm) and (2p).

(b) More than \$2,000,000 under sub. (2) (d) 11.

(c) More than \$500,000 for the ice trail under ss. 23.17 and 23.293 and for grants for the ice age trail under s. 23.096.

SECTION 650fqr. 23.09 (18) of the statutes is created to read:

23.09 (18) FOREST CROPLANDS AND MANAGED FOREST LANDS AIDS. (a) In each fiscal year, the department shall make payments to each county that has more than 40,000 acres within its boundaries that are entered on the tax roll under s. 77.04 (1) or 77.84 (1) on July 1 of that fiscal year.

(b) The amount of the payment made in a fiscal year to an eligible county shall equal the county's proportionate share of the moneys appropriated under s. 20.370 (4) (au) for the fiscal year. An eligible county's proportionate share shall equal the number of acres within its boundaries that are entered on the tax roll under s. 77.04 (1) or 77.84 (1) on July 1 of the fiscal year divided by the total number of acres that are entered on the tax roll under s. 77.04 (1) or 77.84 (1) on that same date and that are within the boundaries of counties that are eligible for payments under this

section, multiplied by the amount appropriated under s. 20.370 (4) (au) for the fiscal year.

(c) The department shall calculate and issue the payment for each eligible county by October 1 following each fiscal year.

SECTION 650fr. 23.09 (19) of the statutes is created to read:

23.09 (19) AIDS FOR THE ACQUISITION OF URBAN GREEN SPACE. (a) In this subsection, "local governmental unit" means a city, village, town, county or public inland lake protection and rehabilitation district.

(b) Any local governmental unit may apply for state aid for the acquisition of lands and rights in lands for urban green space. Each application shall include a comprehensive description of the proposal for urban green space acquisition, plans for development and management of the land and any other information required by the department.

(c) The department may approve grants for the acquisition of land or rights in land for urban green space under this subsection for the following purposes:

1. To provide an open natural space within or in proximity to urban development.

2. To protect from urban development an area or naturally formed feature that is within or in proximity to an urban area and that has scenic, ecological or other natural value.

5. To provide land for noncommercial gardening to be used by inhabitants of an urbanized area.

(d) Grants under this subsection shall be for 50% of the cost of acquiring the land or the rights in land for the urban green space. The local governmental unit is responsible for the remainder of the acquisition cost.

(e) As part of its approval of a grant, the department shall specify for which of the purposes listed in par. (c) the local governmental unit may use the land or the rights in the land acquired with the grant. The local governmental unit may not convert the land or the rights in the land acquired under this subsection to a use that is inconsistent with the uses as approved by the department.

(f) Title to land or to rights in land acquired under this subsection shall vest in the local governmental unit.

(g) The department may not approve a grant for costs associated with development, operation and maintenance of urban green space acquired under this subsection or for administrative costs of acquiring lands or rights in lands.

(h) The department may not approve a grant under this subsection unless the urban green space is identified in any master plan that the local governmental unit may have.

(j) Any local governmental unit that acquires an area for gardening with a grant under this subsection may charge fees for use of the garden that are suffi-

cient to recover the costs of maintaining the area. The local governmental unit may reduce or waive any fee charged based on the user's inability to pay.

(k) The department may not expend more than \$750,000 in each fiscal year for urban green space under this subsection and for grants for urban green space under s. 23.096.

Vetoed
in Part

~~SECTION 650g. 23.09 (20) (title) of the statutes is amended to read:~~

~~23.09 (20) (title) AND FOR LOCAL PARKS AND COMMUNITY GARDENS.~~

~~SECTION 650gm. 23.09 (20) (a) of the statutes is renumbered 23.09 (20) (a) (intro.) and amended to read:~~

~~23.09 (20) (a) (intro.) Any city, village, town or county may apply for state aids for the acquisition any of the following:~~

~~1. Acquisition and development of recreational lands and rights in lands for the development of its park system in accordance with priorities based on comprehensive plans submitted with the application and consistent with the outdoor recreation program under s. 23.39. The application shall be made in the manner the department prescribes.~~

~~SECTION 650h. 23.09 (20) (a) 2 of the statutes is created to read:~~

~~23.09 (20) (a) 2. Acquisition by purchase or by lease of urban land for community gardens to be used by low-income persons.~~

~~SECTION 650hm. 23.09 (20) (b) of the statutes is amended to read:~~

~~23.09 (20) (b) State aid under this subsection is limited to no more than 90% of the cost of acquiring and developing recreation lands and other outdoor recreation facilities or of the cost of acquiring urban land for community gardens is eligible for state aid under this subsection. Costs associated with operation and maintenance of community gardens or parks and other outdoor recreational facilities established under this subsection are not eligible for state aid. Administrative costs of acquiring lands or land rights are not included in the "cost of land" eligible for state aid under this subsection. Title to lands or rights in lands acquired under this subsection shall vest in the local unit of government, but such land shall not be converted to uses inconsistent with this subsection without prior approval of the state and proceeds from the sale or other disposal of such lands shall be used to promote the objectives of this subsection.~~

~~SECTION 650i. 23.09 (20) (c) of the statutes is created to read:~~

~~23.09 (20) (c) The department shall prescribe the manner in which applications are made under this subsection.~~

~~SECTION 650id. 23.09 (20) (d) of the statutes is created to read:~~

~~23.09 (20) (d) The department may not expend under s. 20.866 (2) (tz) more than \$2,250,000 each fis-~~

cal year for local park aids under this subsection and for grants for this purpose under s. 23.096.

SECTION 650im. 23.09 (25) (e) of the statutes is repealed.

SECTION 650ima. 23.0915 of the statutes is created to read:

23.0915 Stewardship program. The legislature intends that the department will expend the following amounts under the stewardship program for the following purposes in each fiscal year beginning with fiscal year 1990-91 and ending in fiscal year 1999-2000:

- (1) General land acquisition, \$8,600,000.
- (2) General property development, \$3,500,000.
- (3) Local park aids, \$2,250,000.
- (4) Lower Wisconsin state riverway acquisition, \$2,000,000.
- (5) Wildlife habitat restoration and fisheries, \$1,500,000.
- (6) Stream bank easements, \$1,000,000.
- (7) Trails, \$1,000,000.
- (8) Natural areas acquisition, \$1,500,000.
- (9) Urban green spaces, \$750,000.
- (10) Natural areas heritage program, \$500,000.
- (11) Ice age trail, \$500,000.

SECTION 650imb. 23.092 of the statutes is created to read:

23.092 Habitat Restoration Areas. (1) The department shall designate habitat restoration areas in order to enhance wildlife-based recreation in this state, including hunting, fishing, nature appreciation and the viewing of game and nongame species. The department may not designate an area a habitat restoration area under this subsection if the area is located within the boundaries of a project established by the department before the effective date of this subsection [revisor inserts date].

(2) For each area designated under sub. (1), the department shall prepare a plan, based upon the specific qualities of the area designated, that is designed to enhance the features of that area by the restoration of wildlife habitat. After preparation of a plan for a designated area, the department shall encourage landowners to use specific management practices that are designed to implement the plan.

(3) The department may acquire easements for habitat restoration areas by gift or devise or beginning July 1, 1990, by purchase.

(4) The department may share the costs of implementing land management practices with landowners, or with nonprofit organizations that are qualified to enhance wildlife-based recreation if such organizations have the landowner's permission to implement the practices. The department may share the costs of acquiring easements for habitat restoration areas with landowners or with these nonprofit organizations. This subsection does not apply before July 1, 1990.

(5) The department shall determine the value of an easement donated to the department that is within a habitat restoration area and is dedicated for purposes of habitat restoration. The valuation shall be based on the extent to which the fair market value of the land is diminished by that transfer. Beginning July 1, 1990, an amount of money equal to the value of the donation shall be released from the appropriation under s. 20.866 (2) (tz) to be used for habitat restoration activities for the same habitat restoration area in which any donation was made on or after the effective date of this subsection [revisor inserts date]. If the appropriation under s. 20.866 (2) (tz) in any fiscal year is insufficient to make an expenditure under this subsection, the department shall make the expenditure in the following fiscal year.

(6) The department may not expend more than \$1,500,000 under this section for fisheries, for habitat restoration areas and for grants for this purpose under s. 23.096 in each fiscal year. Of this amount the department may not expend more than \$75,000 for fisheries in each fiscal year.

SECTION 650imd. 23.094 of the statutes is created to read:

23.094 Stream bank easement program. (1) CREATION. In order to protect the water quality and the fish habitat of the streams in this state, there is created a stream bank easement program to be administered by the department.

(2) IDENTIFICATION OF PRIORITY STREAMS. (a) The department shall identify as priority streams those streams in this state that are in most need of protection from degradation of water quality caused by agricultural or urban runoff.

(b) In identifying priority streams under par. (a), the department shall give higher priority to those streams that are affected by a federal or state program or plan that protects water quality or fish habitat.

(c) The federal or state programs or plans under par. (b) include:

1. The conservation reserve program under 16 USC 3831 to 3836.

2. The erosion control planning program under s. 92.10.

3. A soil and water conservation plan under s. 92.104.

4. The soil and water resource management program under s. 92.14.

5. The nonpoint source pollution abatement grant program under s. 144.25.

(3) ACQUISITION OF EASEMENTS. For a stream identified as a priority stream under sub. (2), the department may acquire a permanent stream bank easement from the owner of land adjacent to the priority stream by gift or devise or beginning July 1, 1990, by purchase. Whenever possible, the easement shall include the land within at least 66 feet from either side of the stream. A stream bank easement shall prohibit all of the following:

(a) Alteration of vegetative cover or other natural features unless the department specifically approves the alteration.

(b) Planting or production of agricultural crops unless the department specifically approves the planting or production for wildlife management purposes.

(c) Mowing or spraying the land with chemicals, except as necessary to comply with noxious weed control laws or to control pests on an emergency basis when such control is necessary to protect public health.

(4) DONATIONS. The department shall determine the value of an easement donated to the department for purposes of this section. The valuation shall be based on the extent to which the fair market value of the land is diminished by that transfer. Beginning July 1, 1990, an amount of money equal to the value of the donation shall be released from the appropriation under s. 20.866 (2) (tz) to be used for stream protection activities under this section for the same stream for which any donation was made on or after the effective date of this subsection [revisor inserts date]. If the appropriation under s. 20.866 (2) (tz) in any fiscal year is insufficient to make the expenditure under this subsection, the department shall make the expenditure in the following fiscal year.

(5) OTHER REQUIREMENTS. An easement under this section may require the landowner to seed the land subject to the easement at seeding rates determined by the department in order to establish and maintain perennial cover of either a grass-legume mixture or native grass for the term of the easement, or to plant trees on the land subject to the easement.

(6) FENCING. Beginning July 1, 1990, the department shall pay the cost of purchasing and installing any fencing the department determines to be necessary to protect a stream for which an easement has been acquired on or after the effective date of this subsection [revisor inserts date], under this section.

(7) STREAM WATCH PROGRAM. The department shall establish a stream watch program to encourage the volunteer activities of community and youth organizations to monitor and improve stream quality and to remove debris, including dead fish, from land adjacent to streams and other bodies of water.

(8) APPROPRIATION. The costs of acquiring easements under sub. (3), shall be paid from the appropriation under s. 20.866 (2) (tz). The department may not expend more than \$1,000,000 for fisheries, for stream bank easements under this section, and for grants for this purpose under s. 23.096 in each fiscal year.

SECTION 650imf. 23.096 of the statutes is created to read:

23.096 Grants to nonprofit conservation organizations. (1) In this section:

(a) "Nonprofit conservation organization" means a nonprofit corporation, a charitable trust or other nonprofit association whose purposes include the

acquisition of property for conservation purposes and that is described in section 501 (c) (3) of the internal revenue code as being exempt from federal income tax under section 501 (a) of that code.

(b) "Property" means land or an interest in land.

(2) The department may award grants to nonprofit conservation organizations to acquire property for the purposes described in ss. 23.09 (19), 23.092, 23.094, 23.17, 23.175, 23.27, 23.29 and 23.293.

(3) In order to receive a grant under this section, the nonprofit conservation organization shall enter into a contract with the department that contains all of the following provisions:

(a) Standards for the management of the property to be acquired.

(b) A prohibition against using the property to be acquired as security for any debt unless the department approves the incurring of the debt.

(bn) A prohibition against the property being closed to the public unless the department determines it is necessary to protect wild animals, plants or other natural features.

(c) A clause that any subsequent sale or transfer of the property to be acquired is subject to subs. (4) and (5).

(4) (a) The nonprofit conservation organization may subsequently sell or transfer the acquired property to a 3rd party other than a creditor of the organization if all of the following apply:

1. The department approves the subsequent sale or transfer.

2. The party to whom the property is sold or transferred enters into a new contract with the department that contains the provisions under sub. (3).

(b) The nonprofit conservation organization may subsequently sell or transfer the acquired property to satisfy a debt or other obligation if the department approves the sale or transfer.

(5) If the nonprofit conservation organization violates any essential provision of the contract, title to the acquired property shall vest in the state.

(6) The instrument conveying the property to the nonprofit conservation organization shall state the interest of the state under sub. (5). The contract entered into under sub. (3) and the instrument of conveyance shall be recorded in the office of the register of deeds of each county in which the property is located.

SECTION 650j. 23.14 of the statutes is amended to read:

23.14 Approval required before new lands acquired.

Prior to the initial acquisition of any lands by the department after July 1, 1977, for any new facility or project, the proposed initial acquisition shall be submitted to the governor for his or her approval. New facilities or projects include, without limitation because of enumeration, state parks, state forests, recreation areas, public shooting, trapping or fishing

grounds or waters, fish hatcheries, game farms, forest nurseries, experimental stations, endangered species preservation areas, picnic and camping grounds, hiking trails, cross-country ski trails, bridle trails, nature trails, bicycle trails, snowmobile trails, youth camps, land in the lower Wisconsin state riverway as defined in s. 30.40 (15), natural areas and wild rivers.

SECTION 650jm. 23.15 (2m) of the statutes is created to read:

23.15 (2m) (a) Notwithstanding sub. (1), the natural resources board shall sell, at fair market value, land in the lower Wisconsin state riverway, as defined in s. 30.40 (15), that is not exempt under s. 30.48 (2) and that is acquired by the department after the effective date of this paragraph [revisor inserts date], if all of the following conditions are met:

1. The land was acquired for its scenic value to the lower Wisconsin state riverway and not for any other purpose.

2. The land was not donated to the state.

3. The sale of the land does not impair the scenic value of the lower Wisconsin state riverway.

4. The department retains an easement and all other rights that are necessary to preserve the scenic value of the lower Wisconsin state riverway.

(b) Notwithstanding sub. (1), the natural resources board is not required to make a finding that land to be sold under par. (a) is no longer necessary for the state's use for conservation purposes.

(c) The procedure in sub. (2) does not apply to sales of land under this subsection.

SECTION 650k. 23.15 (4) of the statutes is amended to read:

23.15 (4) Said natural resources board effecting the sale of any such lands and structures shall, upon receiving payment therefor, deposit the funds in the conservation fund to be used exclusively for the purpose of purchasing other areas of land for the creating and establishing of public hunting and fishing grounds, wildlife and fish refuges and state parks and for land in the lower Wisconsin state riverway as defined in s. 30.40 (15).

SECTION 650km. 23.16 (2) of the statutes is created to read:

23.16 (2) ADVERTISING. The department may advertise and sell advertising space in its magazines and may advertise or otherwise publicize its magazines. The advertising and publicizing shall be consistent with the goals, purposes and functions of the department.

SECTION 650L. 23.16 (4) of the statutes is created to read:

23.16 (4) COSTS. Notwithstanding s. 20.908, any price set or fee charged by the department in selling each of its magazines shall be at least equal to the amount necessary to cover the production, storage, handling and distribution costs of each magazine.

SECTION 650Lm. 23.165 of the statutes is created to read:

23.165 Promotional activities; other publications.

(1) **PUBLICATIONS.** The department may produce, issue, reprint and sell publications pertaining to fish and game, forests, parks, environmental quality and other similar subjects of general information.

(2) **ADVERTISING SPACE.** The department may advertise and sell advertising space in its publications. Any advertising shall be consistent with the goals, purposes and functions of the department.

(3) **PROMOTIONAL ACTIVITIES.** The department may promote, through the sale of merchandise or otherwise, advertise or otherwise publicize department programs, department publications, and all properties, lands, facilities, waterways, projects and other areas subject to the jurisdiction or control of the department. The promotion, advertising and publicizing shall be consistent with the goals, purposes and functions of the department.

(4) **SUBSCRIBER LISTS.** Notwithstanding s. 19.35, the department may refuse to reveal names and addresses of persons on any publication subscriber list. The department may charge a fee to recover the actual costs for providing or for the use of a publication subscriber list. No person who obtains or uses a publication subscriber list from the department may refer to the department 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 with the person or the person's activities.

(5) **COSTS.** Notwithstanding s. 20.908, any price set or fee charged by the department in selling a publication or promotional merchandise shall be at least equal to the amount necessary to cover the production, storage, handling and distribution costs of the publication or promotional merchandise.

(6) **REPORT TO LEGISLATURE.** The department shall annually submit a report concerning the activities, receipts and disbursements under this section for the preceding fiscal year to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3).

SECTION 650Lp. 23.175 of the statutes is created to read:

23.175 State Trails. (1) **DEFINITIONS.** In this section:

(a) "Political subdivision" means a city, village, town or county.

(b) "State agency" means any office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law which is entitled to expend moneys appropriated by law, including any authority created under ch. 231 or 234 but not including the legislature or the courts.

(2) **DUTIES OF THE DEPARTMENT.** The department shall:

(a) Designate a system of state trails as part of the state park system for use by equestrians, bicyclists, cross-country skiers or hikers.

(b) Encourage other state agencies, political subdivisions, organizations and individuals to participate in planning, establishing, developing and maintaining state trails.

(c) Seek the advice of and consult with the state trails council regarding the planning, acquisition, development and management of state trails.

(d) Provide information to any person involved in planning, establishing, developing or maintaining state trails regarding trail design, signs and any other aspects of the trails in which uniformity is desirable.

(e) Encourage political subdivisions to develop land use plans that preserve rights-of-way for the future establishment of trails.

(f) Prepare a trail management plan.

(g) Coordinate the activities of all state agencies that own property that includes any existing or planned portion of a state trail and maintain regular contact with those state agencies.

(h) Identify portions of state trails that are proposed to be located on property owned by state agencies.

(i) Coordinate its planning efforts relating to the location, establishment, development and maintenance of state trails with the efforts of statewide, non-profit organizations established for the purpose of planning, establishing, developing and maintaining trails.

(j) Establish priorities for trail acquisition and development with a higher priority for trails that establish connections between existing trails.

(3) **POWERS OF THE DEPARTMENT.** The department may:

(a) Develop and construct state trails on lands under its ownership.

(b) Beginning July 1, 1990, expend an amount from the appropriation under s. 20.866 (2) (tz) that equals any of the following:

1. The amount of a gift, grant or bequest received for a state trail under this section.

2. The fair market value of land donated for a state trail under this section.

(4) **LIMITS ON SPENDING.** The department may not expend more than \$1,000,000 under this section for trails and for grants for this purpose under s. 23.096 in each fiscal year. Of this amount, the department may not expend more than \$500,000 under sub. (3) (b) in each fiscal year.

(5) **STATE LAND.** (a) A state agency may not refuse to permit the department to construct a portion of a state trail designated under sub. (2) on property owned by the state agency if the state agency deter-

mines that the trail does not conflict with other existing or planned uses of the property.

(b) Each state agency shall consider state trails in the long-range plans for property owned by the state agency.

(6) OTHER TRAILS. This section does not limit the authority of the department to designate other trails under s. 23.115.

SECTION 650m. 23.18 of the statutes is renumbered 23.18 (1), and 23.18 (1) (a) and (b) (intro.) and 5, as renumbered, are amended to read:

23.18 (1) (a) Advise the department ~~of natural resources~~, the governor and the legislature on matters relating to the environmental, recreational and economic revitalization of the Milwaukee river basin.

(b) (intro.) Assist the department ~~of natural resources~~ to:

5. Establish a mechanism that allows the plan under ~~par. (d)~~ subd. 4 to be implemented in an aggressive and deliberate fashion.

SECTION 650mm. 23.18 (1) (title) of the statutes is created to read:

23.18 (1) (title) DUTIES.

SECTION 650n. 23.18 (2) of the statutes is created to read:

23.18 (2) POWERS. In addition to its duties under sub. (1), the Milwaukee river revitalization council may:

(a) Coordinate the planning and implementation of local recreational or environmental projects in the Milwaukee river basin to encourage consistency with other local projects or activities of the department or other state agencies in the Milwaukee river basin.

(b) Work directly with municipalities located in the Milwaukee river basin to develop a single comprehensive land use plan for the Milwaukee river basin.

Vetoed in Part (c) ~~For land in the Milwaukee river basin that abuts the Milwaukee river, establish advisory zoning standards for municipalities that have jurisdiction over such land.~~

~~(d) For land in the Milwaukee river basin that abuts the Milwaukee river, require municipalities that have jurisdiction over that land to enact ordinances for the land that comply with mandatory zoning standards that the council may establish.~~

(e) In addition to its powers under pars. (c) and (d), directly advise and make recommendations to municipalities that have jurisdiction over land in the Milwaukee river basin to adopt ordinances or regulations to preserve the environmental, recreational and scenic values of the Milwaukee river basin.

Vetoed in Part (f) ~~Represent the interests of local communities located in the Milwaukee river basin in recreational and environmental matters before other state agencies, including the department of transportation and the department~~

(g) Directly develop, provide and disseminate information to the public to increase local awareness of recreational and environmental issues affecting the Milwaukee river basin.

~~(h) Purchase land in the Milwaukee river basin for recreational and environmental purposes.~~

~~(i) Accept and use gifts and grants for the environmental, recreational and economic revitalization of the Milwaukee river basin.~~

(j) Directly inform or advise municipalities that have jurisdiction over land located outside the Milwaukee river basin as to the impact the development of the land may have on the Milwaukee river basin.

(k) Submit a report on activities affecting land and water use in the Milwaukee river basin to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3).

~~SECTION 650nn. 23.18 (3) of the statutes is created to read:~~

~~23.18 (3) DEPARTMENT ASSISTANCE. Upon request of the Milwaukee revitalization council, the department shall provide the council professional, technical, administrative and legal assistance.~~

SECTION 650o. 23.265 of the statutes is repealed.

SECTION 650og. 23.27 (3) of the statutes is renumbered 23.27 (3) (a) and amended to read:

23.27 (3) (a) (title) *Duties*. The department, with the advice of the council, shall conduct a natural heritage inventory program. The department shall cooperate with the ~~department of administration acting~~ land information board under s. 16.967 in conducting this program. This program shall establish a system for determining the existence and location of natural areas, the degree of endangerment of natural areas, an evaluation of the importance of natural areas, information related to the associated natural values of natural areas and other information and data related to natural areas. This program shall establish a system for determining the existence and location of native plant and animal communities and endangered, threatened and critical species, the degree of endangerment of these communities and species, the existence and location of habitat areas associated with these communities and species and other information and data related to these communities and species. This program shall establish and coordinate standards for the collection, storage, recall and display of data related to the natural heritage inventory.

(b) (title) *Access to information; fees*. The department shall make information from the natural heritage inventory program available to any individual or public or private agency for research, educational, environmental, land management or similar authorized purposes. The department may establish a fee to be charged to recover the actual cost of compiling and providing this information. The department may reduce or waive the fee established under this para-

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graph if the department determines that a waiver or reduction of the fee is in the public interest. Notwithstanding s. 19.35, the natural heritage inventory and related data are not public records and the department may refuse to release information for any purpose which is not authorized.

SECTION 650ogm. 23.27 (4) of the statutes is amended to read:

23.27 (4) NATURAL AREAS LAND ACQUISITION; CONTINUING COMMITMENT. It is the intent of the legislature to continue natural areas land acquisition activities from moneys available from the appropriation under ss. 20.370 (1) (kb) and 20.866 (2) (ts) and (tz). This commitment is separate from and in addition to the commitment to acquire natural areas under the Wisconsin natural areas heritage program. The department may not expend under s. 20.866 (2) (tz) more than \$1,500,000 in each fiscal year for natural areas land acquisition activities under this subsection and for grants for this purpose under s. 23.096.

SECTION 650oh. 23.27 (5) of the statutes is amended to read:

23.27 (5) NATURAL AREAS LAND ACQUISITION; COMMITMENT UNDER THE WISCONSIN NATURAL AREAS HERITAGE PROGRAM. It is the intent of the legislature to initiate additional natural areas land acquisition activities with moneys available from the appropriations under ss. 20.370 (1) (~~fg~~) (mg) and 20.866 (2) (tt) and (tz) under the Wisconsin natural areas heritage program. This commitment is separate from and in addition to the continuing commitment under sub. (4). Moneys available from the appropriations under ss. 20.370 (1) (~~fg~~) (mg) and 20.866 (2) (tt) and (tz) under the Wisconsin natural areas heritage program may not be used to acquire land through condemnation. The department may not acquire land under this subsection unless the land is suitable for dedication under the Wisconsin natural areas heritage program and upon purchase or as soon after purchase as practicable the department shall take all necessary action to dedicate the land under the Wisconsin natural areas heritage program. The department may not expend under s. 20.866 (2) (tz) more than \$500,000 in each fiscal year for natural areas land acquisition activities under this subsection and for grants for this purpose under s. 23.096.

SECTION 650p. 23.27 (6) of the statutes is amended to read:

23.27 (6) SALE; CREDIT. Moneys received by the state from the sale of any area on state-owned land under the department's management or control which is withdrawn from the state natural areas system shall be credited to the appropriation under s. 20.370 (1) (~~fh~~) (mg). An amount equal to the value of any area on state-owned land under the department's management or control which is withdrawn from the state natural areas system but remains in state ownership shall be credited to the appropriation under s. 20.370 (1) (~~fh~~) (mg).

SECTION 650pm. 23.29 (2) and (3) of the statutes are amended to read:

23.29 (2) CONTRIBUTIONS; STATE MATCH. The department may accept contributions and gifts for the Wisconsin natural areas heritage program. The department shall convert donations of land which it determines, with the advice of the council, are not appropriate for the Wisconsin natural areas heritage program into cash. The department shall convert other noncash contributions into cash. These moneys shall be deposited in the general fund and credited to the appropriation under s. 20.370 (1) (~~fg~~) (mg). These moneys shall be matched by an equal amount released from the appropriation under s. 20.866 (2) (tt) or (tz) or both to be used for natural areas land acquisition activities under s. 23.27 (5). The department shall determine how the moneys being released are to be allocated from these appropriations. No moneys may be released under s. 20.866 (2) (tz) before July 1, 1990.

(3) LAND DEDICATIONS; VALUATION; STATE MATCH. The department shall determine the value of land accepted for dedication under the Wisconsin natural areas heritage program. If the land dedication involves the transfer of the title in fee simple absolute or other arrangement for the transfer of all interest in the land to the state, the valuation shall be based on the fair market value of the land prior to the transfer. If the land dedication involves the transfer of a partial interest in land to the state, the valuation shall be based on the extent to which the fair market value of the land is diminished by that transfer and the associated articles of dedication. If the land dedication involves a sale of land to the department at less than the fair market value, the valuation of the dedication shall be based on the difference between the purchase price and the fair market value. An amount equal to the value of land accepted for dedication under the Wisconsin natural areas heritage program shall be released from the appropriation under s. 20.866 (2) (tt) or (tz) or both to be used for natural areas land acquisition activities under s. 23.27 (5). This subsection does not apply to dedications of land under the ownership of the state. The department shall determine how the moneys being released are to be allocated from these appropriations. No moneys may be released under s. 20.866 (2) (tz) before July 1, 1990.

SECTION 650pp. 23.293 (4) and (5) of the statutes, as created by 1987 Wisconsin Act 399, are amended to read:

23.293 (4) CONTRIBUTIONS AND GIFTS; STATE MATCH. The department may accept contributions and gifts for the ice age trail program. The department may convert gifts of land which it determines are not appropriate for the ice age trail program into cash. The department may convert other noncash contributions and gifts into cash. These moneys shall be deposited in the general fund and credited to the appropriation under s. 20.370 (1) (gg). The value of all contributions and gifts shall be matched by an

amount equal to 50% 67% of that value released from the appropriation under s. 20.866 (2) (tw) or (tz) or both to be used for land acquisition and development activities under s. 23.17. The department shall determine how the moneys being released are to be allocated from these appropriations. No moneys may be released under s. 20.866 (2) (tz) before July 1, 1990.

(5) LAND DEDICATIONS; VALUATION; STATE MATCH. The department shall determine the value of land accepted for dedication under the ice age trail program. If the land dedication involves the transfer of the title in fee simple absolute or other arrangement for the transfer of all interest in the land to the state, the valuation shall be based on the fair market value of the land before the transfer. If the land dedication involves the transfer of a partial interest in land to the state, the valuation shall be based on the extent to which the fair market value of the land is diminished by that transfer and the associated articles of dedication. If the land dedication involves a sale of land to the department at less than the fair market value, the valuation of the dedication shall be based on the difference between the purchase price and the fair market value. An amount equal to 50% 67% of the value of land accepted for dedication under the ice age trail program shall be released from the appropriation under s. 20.866 (2) (tw) or (tz) or both to be used for ice age trail acquisition activities under s. 23.17. This subsection does not apply to dedications of land under the ownership of the state. The department shall determine how the moneys being released are to be allocated from these appropriations. No moneys may be released under s. 20.866 (2) (tz) before July 1, 1990.

SECTION 650q. 23.30 (1) of the statutes is amended to read:

23.30 (1) PURPOSE. The purpose of this section is to promote, encourage, coordinate and implement a comprehensive long-range plan to acquire, maintain and develop for public use those areas of the state best adapted to the development of a comprehensive system of state and local outdoor recreation facilities and services in all fields, including, without limitation because of enumeration, parks, forests, camping grounds, fishing and hunting grounds, trails, trail-side campsites and shelters, cross-country ski trails, bridle trails, related historical sites, highway scenic easements, the lower Wisconsin state riverway as defined in s. 30.40 (15), natural areas and local recreation programs, except spectator sports, and to facilitate and encourage the fullest beneficial public use of these areas.

SECTION 650qm. 23.30 (2) of the statutes is amended to read:

23.30 (2) ESTABLISHED. The outdoor recreation program is established as a continuing program to financially assist the state and local agency outdoor recreation program, including, without limitation because of enumeration, lake rehabilitation, coho

salmon production, wildlife management on county forests, public access, state park and forest recreation areas, fish and game habitat areas, youth conservation camps, creation of new lakes, lake and stream classification, the lower Wisconsin state riverway as defined in s. 30.40 (15), highway scenic easements, natural areas, state aids for local governmental parks and other outdoor recreational facilities, acquisition and development, state aids for county forest recreation areas development, related historic sites, tourist information sites; recreational planning; scenic or wild river preservation and use; and conservation work program.

SECTION 650qs. 23.32 (2) (d) of the statutes is amended to read:

23.32 (2) (d) The department shall cooperate with ~~the department of administration acting land information board~~ under s. 16.967 in conducting wetland mapping activities or any related land ~~resource data information~~ collection activities.

SECTION 650qu. 23.33 (4) (d) 6 of the statutes is amended to read:

23.33 (4) (d) 6. On roadways if the all-terrain vehicle is being operated by a person who holds a Class A permit or a Class B permit under s. 29.09 (9) and who is traveling for the purposes of hunting or is otherwise engaging in an activity authorized by the permit.

SECTION 650r. 23.40 (5) of the statutes is amended to read:

23.40 (5) AUTHORIZED ENVIRONMENTAL CONSULTANT SERVICES. ~~Subject to the requirements of s. 16.87 (2), the~~ The department may enter into contracts for environmental consultant services under s. 23.41 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 650rm. 23.41 of the statutes is created to read:

23.41 Construction and service contracts. (1) In this section:

(a) "Construction work" includes all labor and materials used in the erection, installation, alteration, repair, moving, conversion, demolition or removal of any building, structure or facility, or any equipment attached to a building, structure or facility.

(b) "Environmental consultant services" includes services provided by environmental scientists, engineers and other experts.

(2) The department may contract for construction work related to hazardous substance spill response under s. 144.76 or environmental repair under s. 144.442 or for engineering services or environmental consultant services in connection with such construction work.

(3) The department may contract for environmental consultant services to assist in the preparation of

an environmental impact statement or to provide preapplication services under s. 23.40.

(4) Each contract entered into under this section shall be signed by the secretary or the secretary's designee on behalf of the state.

(5) Each contract for construction work entered into by the department under this section shall be awarded on the basis of bids or competitive sealed proposals in accordance with procedures established by the department. Each contract for construction work shall be awarded to the lowest responsible bidder or the person submitting the most advantageous competitive sealed proposal as determined by the department. If the bid of the lowest responsible bidder or the proposal of the person submitting the most advantageous competitive sealed proposal is determined by the department to be in excess of the estimated reasonable value of the work or not in the public interest, the department may reject all bids or competitive sealed proposals. Every such contract is exempted from ss. 16.70 to 16.75, 16.755, 16.76, 16.767 to 16.82, 16.855, 16.87 and 16.89, but ss. 16.528, and 16.754 and 16.765 apply to the contract. Every such contract involving an expenditure of \$30,000 or more is not valid until the contract is approved by the governor.

(6) The department shall attempt to ensure that at least 5% of the total amount expended under this section in each fiscal year is paid to minority businesses, as defined in s. 16.75 (3m) (a).

SECTION 650s. 23.42 of the statutes is created to read:

23.42 Environmental consulting costs for federal licensing of power projects. (1) **DEFINITIONS.** In this section:

(a) "Applicant" means any person who files an application or submits a notification of intent under 16 USC 808 (b) with the commission.

(b) "Application" means a request for a license under the procedures in 16 USC 800, 802, 803 or 808 or a request for an exemption under 16 USC 823a or 824a-3.

(c) "Commission" means the federal energy regulatory commission.

(d) "Date of filing" means the the date an applicant submits a notification of intent or the date an applicant files an application, whichever is earlier.

(2) **AUTHORITY.** In order to carry out its consulting role to the commission under 16 USC 800, 802, 803, 808, 823a and 824a-3 and the federal regulations promulgated under those sections, the department may charge fees to applicants for reviewing and evaluating applications and notifications of intent under 16 USC 808 (b).

(3) **FEES.** If the department charges fees under this section:

(a) The department shall charge fees only for the time it expends reviewing and evaluating an application or a notification of intent from the date of filing

until the commission makes a determination whether or not to issue the license.

(b) The department shall determine the fee for each applicant by calculating the applicant's proportionate share of the costs incurred by the state in a fiscal year in reviewing or evaluating applications or notifications of intent under this section.

(c) The department may collect fees on a quarterly basis.

(d) The department shall deduct any amount it receives as reimbursement under 16 USC 823a for reviewing and evaluating an application or notification of intent from the fee it charges an applicant for reviewing that application or notification of intent.

(4) **LIMITATION ON CHARGING OF FEES.** Notwithstanding subs. (2) and par. (3) (a), the department may not charge any fees under this section after June 30, 1992, for reviewing and evaluating applications or notifications of intent.

(5) **USE OF FEES.** The department may not expend the fees it collects under this section except for the costs that are consistent with and that are necessary for reviewing and evaluating applications and notifications of intent under 16 USC 800, 802, 803, 808, 823a and 824a-3.

SECTION 650sm. 23.49 of the statutes is amended to read:

23.49 Credit card use charges. The department shall certify to the state treasurer the amount of charges associated with the use of credit cards and that is assessed to the department on deposits accepted under s. 23.66 (1m) by conservation wardens, and the state treasurer shall pay the charges from moneys received under s. 59.20 (8) and (8m) and that are reserved for payment of the charges under ss. 14.58 (21) and 20.585 (1) (jm).

~~SECTION 650xc. 23.50 (1) of the statutes is amended to read:~~

~~23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit court to recover forfeitures, penalty assessments, jail and detention facility assessments, applicable weapons assessments, applicable natural resources assessments and applicable natural resources restitution payments for violations of ss. 134.60 and 167.31 (2), this chapter and chs. 26 to 31 and 350, and any administrative rules promulgated thereunder and violations of local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77.~~

~~SECTION 650xd. 23.50 (2) of the statutes is amended to read:~~

~~23.50 (2) All actions to recover these forfeitures, penalty assessments, jail and detention facility assessments, applicable weapons assessments, applicable natural resources assessments and applicable natural resources restitution payments are civil actions in the name of the state of Wisconsin, shall be heard in the circuit court for the county where the offense~~

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occurred, and shall be recovered under the procedure set forth in ss. 23.50 to 23.85.

SECTION 650x. 23.50 (3) of the statutes is amended to read:

23.50 (3) All actions in municipal court to recover forfeitures, penalty assessments and jail and detention facility assessments for violations of local ordinances enacted by any local authority in accordance with s. 23.33 (1) (am) or 30.77 shall utilize the procedure in ch. 800. The actions shall be brought before the municipal court having jurisdiction. Provisions relating to citations, arrests, questioning, releases, searches, deposits and stipulations of no contest in ss. 23.51 (1), (3) and (8), 23.53, 23.54, 23.56 to 23.64, 23.66 and 23.67 shall apply to violations of such those ordinances.

SECTION 650xi. 23.51 (3m) of the statutes is amended to read:

23.51 (3m) "Jail and detention facility assessment" means the assessment imposed by s. 53.46 (1).

SECTION 651. 23.51 (3m) of the statutes, as affected by 1989 Wisconsin Act ... (this act) is amended to read:

23.51 (3m) "Jail and detention facility assessment" means the assessment imposed by s. 53.46 302.46 (1).

SECTION 651c. 23.51 (8) of the statutes is amended to read:

23.51 (8) "Violation" means conduct which that is prohibited by state law or municipal ordinance and punishable by a forfeiture, a penalty assessment and a jail and detention facility assessment.

SECTION 651d. 23.53 (1) of the statutes is amended to read:

23.53 (1) The citation created under this section shall, in all actions to recover forfeitures, penalty assessments, jail and detention facility assessments, applicable weapons assessments, applicable natural resources assessments and applicable natural resources restitution payments for violations of those statutes enumerated in s. 23.50 (1) and any administrative rules promulgated thereunder, be used by any law enforcement officer with authority to enforce those laws, except that the uniform traffic citation created under s. 345.11 may be used by a traffic officer employed under s. 110.07 in enforcing s. 167.31. In accordance with s. 345.11 (1m), the citation shall not be used for violations of ch. 350 relating to highway use. The citation may be used for violations of local ordinances enacted by any local authority in accordance with s. 23.33 (1) (am) or 30.77.

SECTION 651e. 23.54 (3) (e) of the statutes is amended to read:

23.54 (3) (e) The maximum forfeiture, penalty assessment, jail and detention facility assessment, applicable weapons assessment, applicable natural resources assessment and applicable natural resources restitution payment for which the defendant might be found liable,

SECTION 651f. 23.54 (3) (f) of the statutes is amended to read:

23.54 (3) (f) Notice that if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail and detention facility assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.

SECTION 651g. 23.54 (3) (j) of the statutes is amended to read:

23.54 (3) (j) Notice that if the defendant makes a deposit and signs the stipulation, the defendant will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail and detention facility assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and stipulation, and that the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effects of this stipulation.

SECTION 651h. 23.55 (1) (b) of the statutes is amended to read:

23.55 (1) (b) A plain and concise statement of the violation identifying the event or occurrence from which the violation arose and showing that the plaintiff is entitled to relief, the statute upon which the cause of action is based and a demand for a forfeiture, the amount of which shall not exceed the maximum set by the statute involved, a penalty assessment, a jail and detention facility assessment, any applicable weapons assessment, any applicable natural resources assessment, any applicable natural resources restitution payment and such other relief that is sought by the plaintiff.

SECTION 651i. 23.56 (2) of the statutes is amended to read:

23.56 (2) In actions to collect forfeitures, penalty assessments, jail and detention facility assessments, applicable weapons assessments, applicable natural resources assessments and applicable natural resources restitution payments, the judge who issues a warrant under sub. (1) may endorse upon the warrant the amount of the deposit. If no endorsement is made, the deposit schedule under s. 23.66 shall apply, unless the court directs that the person be brought before the court.

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~~SECTION 651. 23.66 (2) of the statutes is amended to read:~~

~~23.66 (2) The person receiving the deposit shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court or municipal court regarding the disposition of the deposit, and notifying the defendant that if he or she fails to appear in court at the time fixed in the citation he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail and detention facility assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit which that the court may accept. The original of the receipt shall be delivered to the defendant in person or by mail. If the defendant pays by check, share draft or other draft, the check, share draft or other draft or a microfilm copy of the check, share draft or other draft shall be considered a receipt. If the defendant makes the deposit by use of a credit card, the credit charge receipt shall be considered a receipt.~~

~~SECTION 651k. 23.66 (4) of the statutes is amended to read:~~

~~23.66 (4) The basic amount of the deposit shall be determined in accordance with a deposit schedule which that the judicial conference shall establish. Annually, the judicial conference shall review and may revise the schedule. In addition to the basic amount determined according to the schedule, the deposit shall include court costs, including any applicable fees prescribed in ch. 814, any applicable penalty assessment, any applicable jail and detention facility assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment.~~

~~SECTION 651L. 23.67 (2) of the statutes is amended to read:~~

~~23.67 (2) The deposit and stipulation of no contest may be made at any time prior to the court appearance date. By signing the stipulation, the defendant is deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail and detention facility assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit.~~

~~SECTION 651m. 23.67 (3) of the statutes is amended to read:~~

~~23.67 (3) The person receiving the deposit and stipulation of no contest shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court or municipal court regard-~~

~~ing the disposition of the deposit, and notifying the defendant that if the stipulation of no contest is accepted by the court the defendant will be deemed to have submitted to a forfeiture, a penalty assessment, a jail and detention facility assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit. Delivery of the receipt shall be made in the same manner as in s. 23.66.~~

~~SECTION 651n. 23.75 (3) (b) of the statutes is amended to read:~~

~~23.75 (3) (b) If the defendant has made a deposit, the citation may serve as the initial pleading and the defendant shall be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail and detention facility assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons. If the defendant fails to appear in response to the summons, the court shall issue an arrest warrant. If the court accepts the plea of no contest, the defendant may move within 90 days after the date set for appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If a party is relieved from the plea of no contest, the court or judge may order a written complaint to be filed and set the matter for trial. After trial the costs and fees shall be taxed as provided by law. If on reopening the defendant is found not guilty, the court shall delete the record of conviction and shall order the defendant's deposit returned.~~

~~SECTION 651p. 23.75 (3) (c) of the statutes is amended to read:~~

~~23.75 (3) (c) If the defendant has made a deposit and stipulation of no contest, the citation may serve as the initial pleading and the defendant shall be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail and detention facility assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons. If the defendant fails to appear in response to the summons, the court shall issue an arrest warrant. After signing a stipulation of no contest, the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation. The court may act~~

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on the motion, with or without notice, for cause shown by affidavit and upon just terms, and relieve the defendant from the stipulation and the effects thereof. If the defendant is relieved from the stipulation of no contest, the court may order a citation or complaint to be filed and set the matter for trial. After trial the costs and fees shall be taxed as provided by law.

SECTION 651g. 23.79 (1) of the statutes is amended to read:

23.79 (1) If the defendant is found guilty, the court may enter judgment against the defendant for a monetary amount not to exceed the maximum forfeiture provided by the statute for the violation, the penalty assessment, the jail and detention facility assessment, any applicable weapons assessment, any applicable natural resources assessment, any applicable natural resources restitution payment and for costs.

SECTION 651i. 23.79 (2) of the statutes is amended to read:

23.79 (2) The payment of any judgment may be suspended or deferred for not more than 90 days in the discretion of the court. In cases where a deposit has been made, any forfeitures, penalty assessments, jail and detention facility assessments, weapons assessments, natural resources assessments, natural resources restitution payments and costs shall be taken out of the deposit and the balance, if any, returned to the defendant.

SECTION 651s. 23.80 (2) of the statutes is amended to read:

23.80 (2) Upon default of the defendant corporation or municipality, or upon conviction, judgment for the amount of the forfeiture, the penalty assessment, the jail and detention facility assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment shall be entered.

SECTION 651t. 23.84 of the statutes is amended to read:

23.84 Forfeitures and assessments collected; to whom paid. Except for actions in municipal court, all moneys collected in favor of the state or a municipality for forfeiture, penalty assessment, jail and detention facility assessment, applicable weapons assessment, applicable natural resources assessment and applicable natural resources restitution payment shall be paid by the officer who collects the same to the appropriate municipal or county treasurer, within 20 days after its receipt by the officer, except that all jail and detention facility assessments shall be paid to the county treasurer. In case of any failure in the payment, the municipal or county treasurer may collect the payment from the officer by an action in the treasurer's name of office and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid.

SECTION 651u. 23.85 of the statutes is amended to read:

23.85 Statement to county board; payment to state. Every county treasurer shall, on the first day of the annual meeting of the county board of supervisors, submit to it a verified statement of all forfeitures, penalty assessments, jail and detention facility assessments, weapons assessments, natural resources assessments and natural resources restitution payments money received during the year next preceding. The county clerk shall deduct all expenses incurred by the county in recovering those forfeitures, penalty assessments, weapons assessments, natural resources assessments and natural resources restitution payments from the aggregate amount so received, and shall immediately certify to the county treasurer the amount of clear proceeds of those forfeitures, penalty assessments, weapons assessments, natural resources assessments and natural resources restitution payments, so ascertained, who shall pay the proceeds to the state treasurer as provided in s. 59.20. Jail and detention facility assessments shall be treated separately as provided in s. 53.46.

SECTION 652. 23.85 of the statutes, as affected by 1989 Wisconsin Act ..., (this act), is amended to read:

23.85 Statement to county board; payment to state. Every county treasurer shall, on the first day of the annual meeting of the county board of supervisors, submit to it a verified statement of all forfeitures, penalty assessments, jail and detention facility assessments, weapons assessments, natural resources assessments and natural resources restitution payments money received during the year next preceding. The county clerk shall deduct all expenses incurred by the county in recovering those forfeitures, penalty assessments, weapons assessments, natural resources assessments and natural resources restitution payments from the aggregate amount so received, and shall immediately certify to the county treasurer the amount of clear proceeds of those forfeitures, penalty assessments, weapons assessments, natural resources assessments and natural resources restitution payments, so ascertained, who shall pay the proceeds to the state treasurer as provided in s. 59.20. Jail and detention facility assessments shall be treated separately as provided in s. 53.46 302.46.

SECTION 653. 24.54 (title) and (1) of the statutes are amended to read:

24.54 (title) Records; copies as evidence. (1) The board shall keep its office in the capitol. It department of justice shall provide an office for the board. The board shall conveniently arrange and preserve therein all records, books, reports, surveys, maps, field notes, plats and other papers pertaining to the public lands heretofore, now, or hereafter owned by the state, including all such as have been or shall be received from the United States or any officer thereof. It may perfect such records, books, reports, surveys,

Vetoed
in Part

maps, field notes, plats and other papers when incomplete, and cause fair copies thereof to be made when from injury, loss, use or accident it shall become necessary; and any such copy when certified by the chief clerk of the land office under the chief clerk's signature and the official seal of said office to have been made for any of the causes herein specified, and to be a correct copy thereof, shall have the same force and effect in all courts and places as the original; and any copy from said original records, books, reports, surveys, maps, field notes, plats or other papers, or from any record or paper required by law to be kept in its office, or any copy from said certified copy thereof, when certified by the chief clerk of the state land office or any one of the board of commissioners of public lands under the official seal of the board, shall be received in evidence with the same effect as the original.

SECTION 654. 24.61 (3) (c) of the statutes is created to read:

24.61 (3) (c) *Reserve for school districts.* To the extent practicable, in the 1989-90 to 1992-93 fiscal years, annually the board shall reserve an amount equal to at least 50% of the money available for loans under this subchapter for loans to school districts for the purposes specified under s. 24.61 (3) (a) 1.

SECTION 654h. 24.62 (title) of the statutes is amended to read:

24.62 (title) Expenses.

SECTION 654i. 24.62 of the statutes is renumbered 24.62 (1) and amended to read:

24.62 (1) ~~The~~ Except as authorized in sub. (2), the board shall deduct its expenses incurred by the board of commissioners of public lands in administering investments and loans ~~shall be deducted under s. 24.61~~ from the gross receipts of the fund to which the interest and income of the investment or loan will be added.

SECTION 654id. 24.62 (2) of the statutes is created to read:

24.62 (2) The board may charge its expenses incurred in the sale of a state trust fund loan or participation therein under s. 24.69 to the purchaser of the loan or participation, or may deduct the expenses from the gross receipts of the fund to which the interest and income of the loan or participation will be added, or both. If the board sells any state trust fund loan or participation therein under s. 24.69 in any fiscal year, the board shall, no later than October 1 following that fiscal year, prepare and file in its office a report which identifies in detail the board's expenses incurred during that fiscal year that are directly attributable to the sale of state trust fund loans and participations under s. 24.69.

SECTION 654im. 24.69 of the statutes is created to read:

24.69 Sale of state trust fund loans. (1) The board may sell state trust fund loans or participations therein, and may contract to do so at a future date, for

such price, upon such other terms and in such manner as the board may determine, ~~except that the sale may not be made for less than the face value of the loan.~~ The sale may be to any person, including, without limitation, a trust or other investment vehicle created for the purpose of attracting private investment capital. The board shall remit the proceeds of the sale to the state treasurer for deposit in the appropriate trust fund and shall invest ~~or reinvest~~ the proceeds in accordance with s. 24.61. **Vetoed in Part**

(2) Before entering into the sale of any state trust fund loan, the board shall refer the terms of the proposed sale to the investment board for its recommendations.

(3) The board may agree to administer any state trust fund loan so sold or participated, and, in connection therewith, may exercise the collection powers and procedures set forth in ss. 24.70 and 24.71 and may agree to repurchase any such state trust fund loan or participation upon the occurrence of a default thereon or upon the occurrence of other events specified in the sale agreement.

(4) ~~Appropriated objectives,~~ the board shall invest the proceeds of the sale of trust fund loans or participations therein in a manner that, to the greatest extent practicable, will ~~meet the needs of municipalities and school districts for state trust fund loans and will ensure the safety of the principal.~~ **Vetoed in Part**

SECTION 654j. 24.75 of the statutes is amended to read:

24.75 Interest, how accounted for. All money collected as interest upon any state trust fund loan shall be paid into the state treasury. 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. 24.62 (1).

SECTION 654L. 24.77 of the statutes is amended to read:

24.77 Common school fund income. The common school fund income is constituted of the interest derived from the common school fund and from unpaid balances of purchase money on sales of common school lands; and all other revenues derived from the common school lands; but the common school fund income and interest and revenues derived from the common school fund and from common school lands do not include expenses deducted from gross receipts permitted under ss. 24.04 (2), 24.53 and 24.62 (1).

SECTION 654m. 24.80 of the statutes is amended to read:

24.80 Normal school fund. The lands and moneys described in s. 24.79, not being granted for any other specified purpose, accrue to the school fund under article X, section 2, of the constitution; and having been found unnecessary for the support and maintenance of common schools, are appropriated to the

support and maintenance of state universities and suitable libraries and apparatus therefor, and to that end are set apart and denominated the "Normal School Fund". All lands, moneys, loans, investments and securities set apart to the normal school fund and all swamp lands and income and interest received on account of the capital of that fund constitute a separate and perpetual fund. All income and interest from the normal school fund shall be paid into the general fund as general purpose revenue. Normal school fund income, interest and revenues do not include expenses deducted from gross receipts permitted under ss. 24.04 (2), 24.53 and 24.62 (1).

SECTION 654o. 24.81 of the statutes is amended to read:

24.81 University fund. All moneys accruing to the state under article X, section 6, of the constitution, and all other moneys paid into the state treasury on account of the capital of the university fund, constitute the university fund, which is a separate and perpetual fund. University fund income, interest and revenues do not include expenses deducted from gross receipts permitted under ss. 24.04 (2), 24.53 and 24.62 (1).

SECTION 654q. 24.82 of the statutes is amended to read:

24.82 Agricultural college fund. All moneys derived from the sale of the lands and land scrip accruing to the state by virtue of the act of congress approved July 2, 1862, entitled "an act donating public lands to the several states and territories which may provide colleges for the benefit of agricultural and the mechanic arts," and income and interest received on account of the capital of the agricultural college fund, constitute the agricultural college fund, which is a separate and perpetual fund and shall remain forever undiminished. Agricultural college fund income, interest and revenues do not include expenses deducted from gross receipts permitted under ss. 24.04 (2), 24.53 and 24.62 (1). If this fund is by any action or contingency impaired, a state tax is hereby levied sufficient to replace the same, to be collected with the state taxes for the next ensuing year and paid into this fund.

SECTION 654w. 25.14 (3) of the statutes is amended to read:

25.14 (3) Except as provided in s. 14.58 (19), The department of administration, upon consultation with the investment board, shall distribute all earnings, profits or losses of the state investment fund shall be distributed to each participating fund in the same ratio as each such fund's average daily balance within the state investment fund bears to the total average daily balance of all participating funds, except as provided in s. 14.58 (19) and except that the department of administration shall credit to the appropriation under s. 20.585 (1) (js) an amount equal to the amount assessed under s. 25.19 (2) from the earnings or profits of the funds against which an assessment is made.

Such distribution shall be made at such times as the department of administration may determine, but must be made at least semiannually in each complete fiscal year of operation.

SECTION 655. 25.14 (5) of the statutes is amended to read:

25.14 (5) The assets of the state investment fund shall be invested as prescribed by s. 25.17 (3) (b) ~~and~~, (ba) ~~and~~ (bd).

SECTION 655b. 25.15 (4) of the statutes is created to read:

25.15 (4) COMMISSIONS. All records of commissions paid by the investment board for purchases and sales of investments are open to public inspection.

SECTION 655d. 25.17 (1) (en) of the statutes is amended to read:

25.17 (1) (en) Environmental ~~repair~~ fund (s. 25.46);

SECTION 655g. 25.17 (1) (gm) of the statutes is repealed.

SECTION 656. 25.17 (1) (n) of the statutes is created to read:

25.17 (1) (n) Racing fund (s. 25.80);

SECTION 663. 25.17 (3) (bd) of the statutes is created to read:

25.17 (3) (bd) Have authority to invest any funds includable in the state investment fund in loans, securities or investments which are in addition to those permitted under any other statute but within the board standard of responsibility under s. 25.15 (2). The total amount of loans, securities and investments made under this paragraph may not exceed 10% of the aggregate value of all funds includable in the state investment fund under s. 25.14 (1) at the time that the investment is made.

SECTION 663m. 25.17 (7) (b) of the statutes is amended to read:

25.17 (7) (b) Loans, securities and investments may be purchased or held in the name of, or transferred to nominees of one or more banks or trust companies meeting the requirements of this section under a custodial agreement between the board and each such bank or trust company. Any such bank or trust company shall be organized under the laws of the United States or any state thereof and any such bank or trust company not located in Wisconsin shall have a combined capital surplus and undivided profits of at least \$100,000,000. Foreign loans, securities and investments may be purchased or held in the name of, or transferred to nominees of, foreign sub-custodians of any such bank or trust company.

SECTION 666m. 25.17 (17) of the statutes is created to read:

25.17 (17) No later than January 31 annually, submit a report to the joint committee on finance concerning the amount of credits generated by the investment board with brokerage firms during the preceding calendar year. The report shall contain a sepa-

rate itemization of the amount of directed credits for services to be provided by the firm providing the credit and 3rd party credits for services to be provided by any firm. The report shall include information regarding utilization of 3rd-party credits by the board.

SECTION 666r. 25.17 (59) of the statutes is created to read:

Vetoed
in Part

25.17 (59) Invest or deposit ~~the~~ moneys from the appropriation under s. 20.143 (1) (fm) in a public depository located in this state that is at least 51% owned by a minority group member or minority group members, as defined in s. 560.036 (1) (f).

SECTION 667. 25.17 (70) (b) 2. a of the statutes is repealed and recreated to read:

25.17 (70) (b) 2. a. The number and value of holdings of securities of entities headquartered or primarily located in this state.

SECTION 668. 25.17 (70) (b) 2. b of the statutes is repealed and recreated to read:

25.17 (70) (b) 2. b. The number and value of holdings of securities of entities with significant employment in this state.

SECTION 669. 25.17 (70) (b) 2. c of the statutes is created to read:

25.17 (70) (b) 2. c. The number and value of investments to be made annually in companies that are reasonably likely to use the moneys invested by the investment board to maintain or expand employment in this state. Such investments may include: 1) loans to corporations and other organizations to maintain or expand operations in this state; 2) purchases of new equity offerings by companies whose equities are not broadly traded on major exchanges, if the proceeds are to be used to maintain or expand operations in this state; 3) purchases of real estate located in this state; 4) purchases of certificates of deposit or similar instruments issued by financial institutions with substantial operations in this state; 5) investments in venture capital firms based in this state; 6) investments in venture capital firms based in other states, if those investments are to be used to purchase securities in companies located in this state; 7) investments in businesses headquartered in this state that have less than 500 employees; and 8) other investments that the investment board determines will result in maintenance or expansion of employment in this state.

SECTION 670am. 25.19 of the statutes is renumbered 25.19 (1).

SECTION 671am. 25.19 (2) of the statutes is created to read:

25.19 (2) The state treasurer shall annually assess and certify to the department of administration the costs of services provided by the state treasurer under sub. (1) that relate to the investment of any of the funds whose investment is the responsibility of the investment board. The assessment shall identify each fund for which such services were provided and the portion of the assessment that relates to each fund.

SECTION 671m. 25.29 (1) (a) of the statutes is amended to read:

25.29 (1) (a) All moneys accruing to the state for or in behalf of the department under chs. 26, 27, 28, 29 and 350, subchs. I and VI of ch. 77 and ss. 23.09 to ~~23.40~~ 23.42, 23.50 to 23.99, 30.50 to 30.55, 70.58 and 71.10 (5), including grants received from the federal government or any of its agencies except as otherwise provided by law.

SECTION 671y. 25.29 (1) (d) of the statutes is created to read:

25.29 (1) (d) 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 the last day of February of the previous fiscal year by 50 gallons and multiplying that product by the excise tax imposed under s. 78.01 (1) on the last day of February of the previous fiscal year.

SECTION 672. 25.29 (1) (e) of the statutes is created to read:

25.29 (1) (e) An amount equal to the amounts expended under s. 20.370 (1) (kw).

SECTION 672g. 25.29 (4m) of the statutes is created to read:

25.29 (4m) Notwithstanding sub. (3), no moneys that accrue to the state for or in behalf of the department under ch. 29 may be expended or paid for the enforcement of the treaty-based, off-reservation rights to fish held by members of federally recognized American Indian tribes or bands domiciled in Wisconsin.

SECTION 673. 25.31 (3) of the statutes is amended to read:

25.31 (3) Third: ~~Said~~ The income shall be disbursed from the state treasury only upon warrants issued on certifications by the department of ~~health and social services~~ corrections upon the recommendation of the superintendent or other managing officer of such school or other institution.

SECTION 673m. 25.40 (1) (a) of the statutes is amended to read:

25.40 (1) (a) All collections of the department of transportation or the office of the commissioner of transportation and all moneys transferred under s. 84.59 (3) except net sales taxes as determined in s. 77.61 (4) (b) or (c), other revenues specified in ch. 218 derived from the issuance of licenses under the authority of the commissioner of banking which shall be paid into the general fund, revenues collected under s. 341.25 that are pledged to the fund created under s. 84.59 (2) ~~and, moneys received under s. 341.14 (6r) (b) 4 that are deposited in the general fund and credited to the appropriation under s. 20.285 (1) (jp), fees collected under s. 342.14 (1m) that are deposited in the general fund and credited to the appropriation under s. 20.370 (2) (dj) and the amounts payable to the state treasurer under s. 85.14 (1) (b) in conjunction with the collection of fees paid by credit card.~~

SECTION 674. 25.40 (2) of the statutes is amended to read:

25.40 (2) Payments from the transportation fund, except for appropriations made by ss. 20.115 (1) (q), 20.143 (2) (r), 20.255 (2) (r), 20.285 (1) (x), 20.292 (1) (q), (r), (u) and (v), 20.370 (1) (dr) and (mr), (2) (cq), (3) (ay) and (4) (bz) and (bz), 20.399 (1) (r), 20.465 (1) (q), 20.505 (2) (q), 20.566 (1) (u) and (2) (q) and 20.855 (4) (e), (q) and (s) and (t) or authorized by s. 25.17 shall be made only on the order of the secretary of transportation, from which order the secretary of administration shall draw a warrant in favor of the payee and charge the same to the transportation fund.

SECTION 675. 25.40 (2) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

25.40 (2) Payments from the transportation fund, except for appropriations made by ss. 20.115 (1) (q), 20.143 (2) (r), 20.255 (2) (r), 20.285 (1) (x), 20.292 (1) (q), (r), (u) and (v), 20.370 (1) (dr) and (mr), (2) (cq), (3) (av) and (4) (bz), 20.399 (1) (r), 20.465 (1) (q) and (3) (q), (s) and (t), 20.566 (1) (u) and (2) (q) and 20.855 (4) (e), (q), (s) and (t) or authorized by s. 25.17 shall be made only on the order of the secretary of transportation, from which order the secretary of administration shall draw a warrant in favor of the payee and charge the same to the transportation fund.

SECTION 675j. 25.43 (1) (h) of the statutes is created to read:

25.43 (1) (h) The fees imposed under s. 144.241 (9) (d) and (e).

Vetoed
in Part

SECTION 675L. 25.43 (2) (a) of the statutes is amended to read:

25.43 (2) (a) There is established in the clean water fund a federal revolving loan fund account consisting of the capitalization grants under sub. (1) (a) and (b) and all repayments under sub. (1) (e) and (g) of capitalization grants under sub. (1) (a) and (b).

SECTION 675n. 25.43 (3) of the statutes is amended to read:

25.43 (3) The clean water fund may be used only for the purposes authorized under ss. 20.370 (2) (mt) and (mx) and (4) (cr), (cs), (iv), (ix) and (jq) and 144.241.

SECTION 675p. 25.45 of the statutes is amended to read:

25.45 Waste management fund. There is established a separate nonlapsible trust fund designated as the waste management fund, to consist of all the tonnage fees imposed under s. 144.441 (3), except for tonnage fees paid by a nonapproved facility, as defined in s. 144.441 (1) (c); waste management base fees imposed under s. 144.441 (5); and all moneys received or recovered under s. 144.443 (11) (a) 1, 3 or 4 and (am) 1, 3 and 4. Moneys in the waste management fund shall be used for the purposes specified under s. 144.441 (6) (d) to (h).

SECTION 675r. 25.46 of the statutes is repealed and recreated to read:

25.46 Environmental fund. There is established a separate nonlapsible trust fund designated as the environmental fund, to consist of:

(1) The moneys required under s. 20.445 (1) (j) to be credited to the environmental fund for environmental repair.

(2) The fees imposed under s. 94.64 (4) (an) for groundwater management.

(3) The fees imposed under s. 94.65 (6) (a) 4 for groundwater management.

(4) The moneys specified under s. 94.68 (4) (b) for groundwater management.

(4m) The moneys specified under s. 94.68 (4) (c) for environmental repair.

(4s) The fees imposed under s. 94.681 for environmental repair.

(5) The fees imposed under s. 101.14 (5) for groundwater management.

(5e) All moneys received under s. 144.027 (16) (d) for environmental repair.

(5m) The tonnage fees imposed under s. 144.441 (3) that are paid by a nonapproved facility, as defined in s. 144.441 (1) (c), for environmental repair.

(6) The groundwater fees imposed under s. 144.441 (7) for groundwater management.

(6m) The well compensation fees imposed under s. 144.441 (7) for environmental repair.

(7) The fees imposed under s. 144.442 (1m) for environmental repair.

(8) The fees and surcharges imposed under s. 144.442 (2) and (3) for environmental repair.

(9) The moneys received from municipalities under s. 144.442 (8) (c) for environmental repair.

(10) The amounts required to be paid into the environmental fund under s. 144.442 (9) (g) for environmental repair.

(11) The moneys received from reimbursements under s. 144.76 (6) (c) 1 for environmental repair.

(12) The moneys received from the federal government as reimbursement under s. 144.76 (6) (c) 2 and for purposes related to the hazardous substances spills program, the abandoned container program and the environmental repair of waste facilities.

(13) The moneys received from reimbursements under s. 144.77 (6) (c) for the abandoned container program.

(14) The moneys collected under s. 145.19 (6) for groundwater management.

(15) The fees imposed under s. 146.20 (4s) (d) for groundwater management.

(16) The fees imposed under s. 147.033 (1) for groundwater management.

(17) All moneys received from fees under s. 144.442 (1s) for environmental repair.

(18) All moneys received under s. 147.23 or as a settlement to any action initiated or contemplated under s. 147.23 for environmental repair.

(19) The fees imposed under s. 168.12 (1s) for environmental repair.

SECTION 675w. 25.48 of the statutes is repealed.

SECTION 677am. 25.50 (3) (b) of the statutes is amended to read:

25.50 (3) (b) On the dates specified and to the extent to which they are available, subject to s. 16.53 (10), funds payable to local governments under ss. 79.03, 79.04, 79.06, 79.08, 79.10 and 79.105 and 1989 Wisconsin Act (this act), section 3048 (3r) shall be considered local funds and, pursuant to the instructions of local officials, may be paid into the separate accounts of all local governments established in the local government pooled-investment fund and, pursuant to the instructions of local officials, to the extent to which they are available, be disbursed or invested.

SECTION 677b. 25.50 (3) (b) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

25.50 (3) (b) On the dates specified and to the extent to which they are available, subject to s. 16.53 (10), funds payable to local governments under ss. 79.03, 79.04, 79.06, 79.08, 79.10 and 79.105 shall be considered local funds and, pursuant to the instructions of local officials, may be paid into the separate accounts of all local governments established in the local government pooled-investment fund and, pursuant to the instructions of local officials, to the extent to which they are available, be disbursed or invested.

SECTION 678. 25.67 (1) of the statutes is amended to read:

25.67 (1) The children's trust fund is created as a separate fund. Moneys in the fund shall be expended only for the purposes of specified in s. 48.982 (4) (2m).

SECTION 679. 25.75 (1) (c) 1 of the statutes is repealed.

SECTION 680. 25.75 (3) (b) 3 of the statutes is repealed.

SECTION 681. 25.75 (3) (c) of the statutes is repealed and recreated to read:

25.75 (3) (c) *Property tax relief*. The lottery proceeds received in each fiscal year plus the earnings attributable to the lottery proceeds that were distributed to the lottery fund in that fiscal year under s. 25.14 (3) shall be distributed through the appropriations under ss. 20.255 (2) (q), ~~20.435 (1) (a)~~, 20.475 (1) (r) and 20.835 (2) (q).

SECTION 682. 25.80 of the statutes is created to read:

25.80 Racing fund. There is created a separate nonlapsible trust fund known as the racing fund, to consist of moneys received by the racing board under s. 562.065 (3) (c) 5.

Vetoed
in Part

Vetoed
in Part

~~SECTION 682v. 27.01 (6) (b) of the statutes is amended to read:~~

~~27.01 (6) (b) The state park in Clifton township, Pierce county, as "Franklin Robert P. Knowles, Sr. State Park"~~

SECTION 682t. 27.01 (7) (f) 1 of the statutes is amended to read:

27.01 (7) (f) 1. ~~The~~ Except as provided in par. (gm), the fee for an annual vehicle admission sticker is \$14 for each vehicle which has Wisconsin registration plates, except that no fee is charged for a sticker issued under s. 29.1475 (6).

SECTION 682u. 27.01 (7) (g) 1 of the statutes is amended to read:

27.01 (7) (g) 1. ~~The~~ Except as provided in par. (gm), the fee for an annual vehicle admission sticker for any vehicle which has a registration plate or plates from another state is ~~\$30~~ \$28.

~~SECTION 682v. 27.01 (7) (g) 2 of the statutes is amended to read:~~

~~27.01 (7) (g) 2. Except as provided in subs. 3 and 4, the fee for a daily vehicle admission sticker for any vehicle which has a registration plate or plates from another state is \$6.55.~~

Vetoed
in Part

SECTION 682w. 27.01 (7) (gm) of the statutes is created to read:

27.01 (7) (gm) *Reduced fee vehicle admission stickers*. 1. Notwithstanding pars. (f) 1 and (g) 1, the department shall charge an individual 50% of the applicable fee under par. (f) 1 or (g) 1 for an annual vehicle admission sticker if the individual applying for the sticker or a member of his or her household owns a vehicle for which a current annual vehicle admission sticker has been issued for the applicable fee under par. (f) 1 or (g) 1.

2. Notwithstanding pars. (f) 1 and (g) 1, the department, beginning on January 1, 1990, and ending on December 31, 1990, may issue limited-term resident and nonresident ~~annual~~ vehicle admission stickers that allow the operation of vehicles in any or all of 8 state parks to be designated by the department for up to 3 hours per visit. Any fee established by the department for these stickers shall be less than the applicable fee for vehicle admission stickers under pars. (f) 1 and (g) 1.

Vetoed
in Part

SECTION 683. 27.01 (10) (d) 1 to 6 of the statutes are amended to read:

27.01 (10) (d) 1. The camping fee for each night at a campsite in a campground which is classified as a Type "A" campground by the department is \$6, ~~including sales tax~~, for a resident camping party.

2. The camping fee for each night at a campsite in a campground which is classified as a Type "A" campground by the department is \$10, ~~including sales tax~~, for a nonresident camping party.

3. The camping fee for each night at a campsite in a state campground which is classified as a Type "B" campground by the department is \$5, ~~including sales tax~~, for a resident camping party.

4. The camping fee for each night at a campsite in a state campground which is classified as a Type "B" campground by the department is \$8.50, ~~including sales tax~~, for a nonresident camping party.

5. The camping fee for each night at a campsite in a campground which is classified as a Type "C" campground by the department is \$4, ~~including sales tax,~~ for a resident camping party.

6. The camping fee for each night at a campsite in a campground which is classified as a Type "C" campground by the department is \$6.75, ~~including sales tax,~~ for a nonresident camping party.

SECTION 683bg. 27.01 (10) (g) of the statutes is created to read:

27.01 (10) (g) *Additional camping fees.* Besides the additional camping fees authorized under par. (f), the department may charge:

1. An additional camping fee of \$1 per night for a resident camping party.

2. An additional camping fee from \$1.50 to \$1.75, depending on whether the campground is Type "A", "B" or "C", per night for a nonresident camping party.

3. An additional camping fee of \$1 for each pet accompanying a camping party.

4. An additional camping fee of \$1 per night per camping party for a Friday, Saturday or Sunday night.

SECTION 683by. 27.013 of the statutes is created to read:

27.013 Seth Peterson cottage restoration. (1) Upon the request of the Frank Lloyd Wright Dells cottage foundation, inc., the department shall release from the appropriation under s. 20.370 (4) (Lq) \$25,000 as a grant to the foundation within 30 days of its request. The foundation shall expend the moneys released under this section for initial expenses associated with the restoration and maintenance of the Seth Peterson cottage located in Mirror Lake state park.

(2) In addition to the moneys released under sub. (1), the department shall release from the appropriation under s. 20.370 (4) (Lq) \$25,000 as a grant to the Frank Lloyd Wright Dells cottage foundation, inc., if the foundation demonstrates to the department that it has raised at least \$50,000 in funds from private sources for the restoration and maintenance of the Seth Peterson cottage.

SECTION 683c. 28.11 (6) (b) 3 of the statutes is amended to read:

28.11 (6) (b) 3. No merchantable wood products may be cut on any lands entered under this section unless a cutting notice on forms furnished by the department is filed with and approved by the department. Any unauthorized cutting shall render the county liable to the state in an amount equal to double the stumpage value of the cut products which amount shall be paid by the county to the state ~~and credited to the appropriation under s. 20.370 (4) (ar).~~ If the county does not pay the amount of such penalty to the state, the department may withhold such amount from future state contributions to the county.

SECTION 683d. 28.11 (8) (a) of the statutes is amended to read:

28.11 (8) (a) *Acreage payments.* As soon after April 20 of each year as feasible, the department shall pay to each town treasurer ~~20~~ 30 cents per acre, based on the acreage of such lands as of the preceding June 30, as a grant out of the appropriation made by s. 20.370 (4) (ar) on each acre of county lands entered under this section.

SECTION 683e. 28.11 (8) (b) 1 of the statutes is amended to read:

28.11 (8) (b) 1. A county having established and maintaining a county forest under this section is eligible to receive from the state from the appropriation under s. 20.370 (4) ~~(ar)~~ (at) an annual payment as a noninterest bearing loan to be used for the purchase, development, preservation and maintenance of the county forest lands and the payment shall be credited to a county account to be known as the county forestry aid fund. A county board may, by a resolution adopted during the year and transmitted to the department by December 31, request to receive a payment of not more than 50 cents for each acre of land entered and designated as "county forest land". The department shall review the request and approve the request if the request is found to be consistent with the comprehensive county forest land use plan. If any lands purchased from the fund are sold, the county shall restore the purchase price to the county forestry aid fund. The department shall pay to the county the amount due to it on or before March 31 of each year, based on the acreage of the lands as of the preceding June 30. If the amount in the appropriation under s. 20.370 (4) ~~(ar)~~ (at) is not sufficient to pay all of the amounts approved by the department under this subdivision, the department shall pay eligible counties on a prorated basis.

SECTION 683g. 28.11 (8) (b) 2 of the statutes is amended to read:

28.11 (8) (b) 2. From the appropriation under s. 20.370 (4) ~~(ar)~~ (at) the department may allot additional interest free forestry aid loans on a project basis to individual counties to permit the counties to undertake meritorious and economically productive forestry operations, including land acquisitions. These additional aids may not be used for the construction of recreational facilities or for fish and game management projects. Application shall be made in the manner and on forms prescribed by the department and specify the purpose for which the additional aids will be used. The department shall make an investigation as it deems necessary to satisfy itself that the project is feasible, desirable and consistent with the comprehensive plan. If the department so finds, it may make allotments in such amounts as it determines to be reasonable and proper and charge the allotments to the forestry fund account of the county. These allotments shall be credited by the county to the county forestry aid fund. ~~Of the amount allocated from the appropri-~~

ation under s. 20.370 (4) (~~ar~~) for loans under this subdivision for each fiscal year, at least 50% of that amount shall be reserved by the department until January 1 in order to determine the amount to be allocated for county forest aid payments under par. (a) and to determine the amount to be allocated for forest croplands payments under subch. I of ch. 77. After making these determinations determining the loans as required under subd. 1, the department shall make the remainder of the amounts in the schedule for the appropriation under s. 20.370 (4) (~~ar~~) (at) for that fiscal year available for loans under this subdivision.

SECTION 683i. 28.11 (9) (a) of the statutes is amended to read:

28.11 (9) (a) Except as provided under pars. (b) and (c), on timber cut from lands entered as "county forest lands" the county shall pay a severance share of not less than 20% of the actual stumpage sales value of the timber. A higher rate of payment may be applied when agreed upon by the department and the county. When cutting is done by the county and timber is not sold or is sold as cut forest products the severance share shall be 20% of the severance tax schedule in effect under s. 77.06 (2). Of the severance share paid by a county to the state the entire amount shall be restored to the appropriation made by s. 20.370 (4) (~~ar~~) (at) and credited to the forestry fund account of the county.

SECTION 683k. 29.05 (1m) of the statutes is created to read:

29.05 (1m) WARRANTS, ARRESTS; HARASSMENT. The department and its wardens may execute and serve warrants and processes issued for violations of s. 947.013 (1) (b) if the victim of the harassment is intentionally selected because of the victim's race in the same manner as any constable may serve and execute such process; and may arrest, with or without a warrant, any person detected in the actual violation, or whom the warden has probable cause to believe guilty of a violation of s. 947.013 (1) (b), whether the violation is punishable by criminal penalties or civil forfeiture and may take such person before any court in the county where the offense was committed and make proper complaint. For the purpose of enforcing s. 947.013 (1) (b), any warden may stop and board any boat and stop any automobile, snowmobile or other vehicle, if the warden reasonably suspects there is a violation of such section.

SECTION 683m. 29.05 (2) of the statutes is amended to read:

29.05 (2) ADDITIONAL ARREST POWERS. In addition to the arrest powers under sub. (1), a conservation warden who has completed the program of law enforcement training approved by the law enforcement standards board and, has been certified as qualified to be a law enforcement officer under s. 165.85 (4) (b) 1 and has complied with any applicable requirements under s. 165.85 (4) (bn) 1 while on duty and in uniform or on duty and upon display of proper cre-

dentials may assist another law enforcement agency as defined under s. 165.83 (1) (b) including making an arrest at the request of the agency, may arrest a person pursuant to an arrest warrant concerning the commission of a felony or may arrest a person who has committed a crime in the presence of the warden. If the conservation warden makes an arrest without the presence of another law enforcement agency, the conservation warden shall cause the person arrested to be delivered to the chief of police or sheriff in the jurisdiction where the arrest is made, along with the documents and reports pertaining to the arrest. The conservation warden shall be available as a witness for the state. A conservation warden may not conduct investigations for violations of state law except as authorized in sub. (3) and s. 23.11 (4). A conservation warden acting under the authority of this subsection is considered an employee of the department and is subject to its direction, benefits and legal protection. The authority granted in this section does not apply to county conservation wardens or special conservation wardens.

SECTION 683mm. 29.09 (3) (c) of the statutes is created to read:

29.09 (3) (c) *Wild turkey hunting stamps.* Each wild turkey hunting stamp shall bear upon its face a true signature of the person to whom it is issued and the words "Turkey Permit".

SECTION 683n. 29.09 (8m) of the statutes is repealed and recreated to read:

29.09 (8m) DISABLED PERSONS; TROLLING PERMITS. (a) After proper application, the department shall, after due investigation and without charging a fee, issue a trolling permit to any person who meets the requirements under sub. (9) (c) or s. 29.104 (4) (a) 2 or 4.

(b) A person holding a current fishing license and a trolling permit may fish or troll in the waters of this state using an electric motor with no more than 36 pounds of thrust, notwithstanding any municipal ordinances or local regulations adopted under s. 30.77 (3) that prohibit the use of motor boats on navigable waters.

SECTION 683nn. 29.09 (9) (title) of the statutes is amended to read:

29.09 (9) (title) DISABLED PERSONS; HUNTING PERMITS.

SECTION 683p. 29.09 (9) (a) 5 of the statutes is created to read:

29.09 (9) (a) 5. "Visually handicapped" means blind, as defined in s. 47.01 (1).

SECTION 683pb. 29.09 (9) (b) 1 of the statutes is amended to read:

29.09 (9) (b) 1. After proper application and ~~presentation of a current hunting license duly issued to the applicant~~, the department shall, after due investigation and without charging a fee, issue a Class A ~~or~~, Class B or Class C permit to any person, as provided in this subsection.

SECTION 683pd. 29.09 (9) (b) 2 of the statutes is amended to read:

29.09 (9) (b) 2. An applicant shall submit on a form prepared and ~~and~~ furnished by the department, as part of the application, a written statement or report prepared and signed by a licensed physician or licensed chiropractor, prepared no more than 6 months preceding the application and verifying that the applicant is physically disabled.

SECTION 683pf. 29.09 (9) (c) 1. a of the statutes is amended to read:

29.09 (9) (c) 1. a. Has a permanent or irreversible physical disability, is unable to ambulate and requires a wheelchair, walker, one leg brace or external prosthesis above the knee, 2 leg braces or external prostheses below the knees, 2 crutches or 2 canes for mobility.

SECTION 683ph. 29.09 (9) (c) 1. c of the statutes is amended to read:

29.09 (9) (c) 1. c. Suffers significantly from cardiovascular disease, to the extent that functional limitations are classified in severity as class 3 or 4, according to standards accepted by the American heart association on May 3, 1988, and where ordinary physical activity ~~always~~ causes discomfort, fatigue, palpitation, dyspnea or anginal pain.

SECTION 683pj. 29.09 (9) (c) 4 of the statutes is created to read:

29.09 (9) (c) 4. The department shall issue a Class C permit to any person who is visually handicapped.

SECTION 683pk. 29.09 (9) (cg) of the statutes is created to read:

29.09 (9) (cg) *Approval required.* In order to hunt after receiving a permit under this section, the permit holder must apply for and be issued, or must already hold, any type of approval required under this chapter for the type of hunting he or she will be doing.

SECTION 683pm. 29.09 (9) (cr) of the statutes is created to read:

29.09 (9) (cr) *Authorization.* A person holding a current resident or nonresident deer hunting license and a Class A or Class C permit may hunt deer of either sex with a firearm during any season open to hunting of deer with firearms that is established by the department.

SECTION 683pp. 29.09 (9) (d) of the statutes is renumbered 29.09 (9) (d) 1 and amended to read:

29.09 (9) (d) 1. A ~~permit holder under this subsection of a Class A or Class B permit~~ may be accompanied by a person who is not eligible to apply for a Class A or Class B permit. The accompanying person may not hunt or carry a firearm, bow or crossbow unless authorized to do so. The assistance rendered by an accompanying person who is not authorized to hunt or carry a firearm, bow or crossbow is limited to field dressing, tagging and retrieving deer or other ~~wild animals game~~ for the permit holder.

SECTION 683pr. 29.09 (9) (d) 2 of the statutes is created to read:

29.09 (9) (d) 2. A holder of a Class C permit shall be accompanied by a person who is not eligible to apply for a permit under this section. The accompanying person may not hunt or carry a firearm, bow or crossbow unless authorized to do so. The assistance rendered by an accompanying person may include sighting the firearm, bow or crossbow, identifying the deer or other game and field dressing, tagging and retrieving deer or other game for the permit holder.

SECTION 683pra. 29.092 (2) (L) of the statutes is amended to read:

29.092 (2) (L) *Wild turkey hunting stamp.* The fee for a wild turkey hunting stamp is ~~\$13.50~~ \$5.

~~SECTION 683prb. 29.092 (2) (q) of the statutes is created to read:~~

~~29.092 (2) (q) *Hunting licenses for disabled persons.* There is no fee for any approval issued under this subsection to a person who holds a Class A, Class B or Class C permit under s. 29.09 (9).~~

~~SECTION 683prd. 29.092 (2) (r) of the statutes is created to read:~~

~~29.092 (2) (r) *Resident archer license for disabled person.* There is no fee for a resident archer hunting license, a wild turkey hunting stamp or a waterfowl hunting stamp that is issued to a person holding a crossbow permit under s. 29.104 (4).~~

~~SECTION 683pre. 29.092 (3) (fm) of the statutes is created to read:~~

~~29.092 (3) (fm) *Fishing licenses for persons with trolling permits.* There is no fee for a fishing license issued under pars. (a), (e) to (h), (j) or (L) to (n) or a stamp issued under par. (o) or (p) to a person holding a trolling permit under s. 29.09 (8m).~~

~~SECTION 683prh. 29.092 (13) (h) of the statutes is created to read:~~

~~29.092 (13) (h) *Exemption.* Notwithstanding pars. (a) to (g), there is no fee for a duplicate of any of the following:~~

~~1. An approval issued under sub. (2) to a person holding a Class A, Class B or Class C permit under s. 29.09 (9).~~

~~2. A resident archer hunting license, a wild turkey hunting stamp or a waterfowl hunting stamp issued to a person holding a crossbow permit under s. 29.104 (4).~~

~~3. A fishing license issued under sub. (3) (a), (c) to (h), (j) or (L) to (n) or a stamp issued under sub. (3) (o) or (p) to a person holding a trolling permit under s. 29.09 (8m).~~

SECTION 683pri. 29.092 (14) (c) of the statutes is amended to read:

29.092 (14) (c) *Use of surcharge fees.* The wildlife damage surcharge shall be collected as are other approval fees and the surcharge fees shall be deposited in the conservation fund to be used for the wildlife damage abatement program ~~under s. 29.598 (5) (e),~~ the wildlife damage claim program ~~under s. 29.598 (7)~~

Vetoed
in Part

(d) and for county administration costs under s. 29.598 (2) (d) and for removal activities by the department under s. 29.59.

SECTION 683pr. 29.092 (15) (b) of the statutes is amended to read:

Vetoed in Part 29.092 (15) (b) *License*. Except as provided under par. (c) and (em), the issuing fee for each license is 60 cents.

SECTION 683prL. 29.092 (15) (d) of the statutes is amended to read:

29.092 (15) (d) *Stamp*. ~~The Except as provided in par. (em), the issuing fee for each stamp is 25 cents.~~

SECTION 683prm. 29.092 (15) (em) of the statutes is created to read:

29.092 (15) (em) *No issuing fee for certain disabled persons*. There is no issuing fee for any of the following:

1. A hunting license or stamp issued under sub. (2) to a person holding a Class A, Class B or Class C permit under s. 29.09 (9).

2. A resident archer hunting license, a wild turkey hunting stamp or a waterfowl hunting stamp issued to a person holding a crossbow permit under s. 29.104 (4).

3. A fishing license issued under sub. (3) (a), (c) to (h), (j) or (L) to (n) or a stamp issued under sub. (3) (n) or (o) to a person holding a trolling permit under s. 29.09 (8m).

SECTION 683prn. 29.093 (2) (cr) (title) of the statutes is amended to read:

29.093 (2) (cr) (title) *Hunting permits*.

SECTION 683prp. 29.093 (2) (cr) 1 of the statutes is amended to read:

29.093 (2) (cr) 1. A Class A or Class C permit issued under s. 29.09 (9) (e) + is valid for the 5-year period specified on the license permit.

SECTION 683qd. 29.093 (2) (cr) 4 of the statutes is created to read:

29.093 (2) (cr) 4. A crossbow permit is valid for the 5-year period specified on the permit.

SECTION 683qf. 29.093 (2) (cr) 5 of the statutes is created to read:

29.093 (2) (cr) 5. A special permit to hunt with a crossbow issued under s. 29.104 (4) (a) before and in effect on the effective date of this subdivision [revisor inserts date], is valid for 5 years after the effective date of this subdivision [revisor inserts date].

SECTION 683qfm. 29.093 (2) (d) of the statutes is amended to read:

29.093 (2) (d) *Wild turkey hunting stamp*. A wild turkey hunting stamp is valid from September 1 or the date of issuance, whichever is later, until August 31 of the following year for the one-year period specified on the stamp.

SECTION 683qg. 29.093 (3) (fm) of the statutes is created to read:

29.093 (3) (fm) *Trolling permits*. A trolling permit is valid for the 5-year period specified on the permit.

SECTION 683qgm. 29.103 (2) (a) of the statutes is amended to read:

29.103 (2) (a) *Requirement*. Except as provided under par. (e), no person may hunt wild turkey unless he or she has a valid wild turkey hunting stamp stapled or affixed by the stamp's adhesive to the person's hunting license which authorizes the hunting of small game, to the person's sports license or to the person's conservation patron license.

SECTION 683qh. 29.104 (4) (a) (intro.) of the statutes is amended to read:

29.104 (4) (a) (intro.) After proper application and presentation of a current resident archer hunting license duly issued to the applicant, the secretary department shall grant issue to any person a special crossbow permit to hunt with a crossbow meeting the specifications of par. (b) if the person is unable to use a bow and arrow and if the person meets any of the following:

SECTION 683qj. 29.104 (4) (a) 3 of the statutes is amended to read:

29.104 (4) (a) 3. Has an amputation or other loss of the index and or middle fingers finger on the draw and release hand.

SECTION 683qk. 29.104 (4) (a) 4 of the statutes is amended to read:

29.104 (4) (a) 4. Has a permanent substantial loss of function in one or both arms or one or both hands and fails to meet the minimum standards of the standard upper extremity pinch, grip and 10-hole 9-hole peg tests, administered under the direction of a licensed physician.

SECTION 683qn. 29.104 (4) (a) 5 of the statutes is created to read:

29.104 (4) (a) 5. Has a permanent substantial loss of function in one or both shoulders and fails to meet the minimum standards of the standard shoulder strength tests, administered under the direction of a licensed physician.

SECTION 683qp. 29.104 (4) (b) 1 of the statutes is repealed.

SECTION 683qs. 29.104 (4) (b) 2 of the statutes is amended to read:

29.104 (4) (b) 2. Shall have a minimum draw weight of 100 pounds.

SECTION 683qu. 29.104 (4) (b) 3 of the statutes is repealed.

SECTION 683qw. 29.104 (4) (b) 4 of the statutes is amended to read:

29.104 (4) (b) 4. Shall have a working safety; and.

SECTION 683qy. 29.104 (4) (b) 5 of the statutes is amended to read:

29.104 (4) (b) 5. Shall be used with arrows or bolts or arrows of not less than 14 inches in length with a broadhead.

SECTION 683ra. 29.107 (1m) of the statutes is repealed.

SECTION 684b. 29.174 (2) (f) of the statutes is created to read:

29.174 (2) (f) In addition to the types and manner of hunting authorized under ss. 29.09 (9) and 29.104 (4) for disabled persons and persons who are visually handicapped, as defined in s. 29.09 (9) (a) 5, the department may establish special hunting seasons or opportunities for person who are physically disabled or visually handicapped and may limit the number of persons involved.

SECTION 684c. 29.21 (title) of the statutes is renumbered 23.16 (title) and amended to read:

23.16 (title) Magazines.

SECTION 684c. 29.21 (1) of the statutes is renumbered 23.16 (1) and amended to read:

23.16 (1) (title) PUBLICATION. ~~The department may issue pamphlets and bulletins. The department may also produce, issue a publication or magazine or reprint magazines~~ at stated intervals as it determines, all pertaining to fish and game, forests, parks, environmental quality and other ~~kindred~~ similar subjects of general information. The department may sell subscriptions to ~~this publication or magazine~~ its magazines, except that no fee may be charged to a person who is provided a subscription to the Wisconsin natural resources magazine under s. 29.1475.

SECTION 684g. 29.21 (2) of the statutes is repealed.

SECTION 684i. 29.21 (3) of the statutes is renumbered 23.16 (3) and amended to read:

23.16 (3) (title) SUBSCRIBER LISTS. Notwithstanding s. 19.35, 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, ~~or 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 684j. 29.51 (7) of the statutes is created to read:

29.51 (7) COOPERATION DURING A FISH CENSUS. (a) A person who is fishing shall cooperate with an employe of the department when the employe is involved in taking a fish census.

(b) Section 29.99 does not apply to this subsection.

SECTION 684k. 29.59 of the statutes is repealed and recreated to read:

29.59 Removal of wild animals. (1) DEFINITIONS. In this section:

(a) "Damage" means harm to forest products; streams; roads; dams; buildings; orchards; apiaries; livestock; and commercial agricultural crops, including Christmas trees and nursery stock.

(b) "Daylight hours" means the time from one hour before sunrise until one hour after sunset.

(c) "Private property holder" means an owner, lessee or occupant of private property.

(d) "Removal activity" means removing or authorizing the removal of a wild animal that is causing damage or that is causing a nuisance or the removal of a structure of a wild animal that is causing damage or that is causing a nuisance.

(e) "Remove" means capture, shoot, set a trap for, relocate, or otherwise destroy or dispose of.

(f) Notwithstanding s. 29.01 (14), "wild animal" means any undomesticated mammal or bird.

(2) DEPARTMENT AUTHORITY. The department may remove or authorize the removal of all of the following:

(a) A wild animal that is causing damage or that is causing a nuisance.

(b) A structure of a wild animal that is causing damage or that is causing a nuisance.

(3) DAMAGE COMPLAINTS. (a) Within 48 hours after receipt of a written complaint from a person who owns, leases or occupies property on which a wild animal or a structure of a wild animal is allegedly causing damage, the department shall both investigate the complaint and determine whether or not to authorize removal.

(b) The department may remove or authorize removal of the wild animal or the structure of the wild animal if it finds that the wild animal or the structure is causing damage on the property.

(c) A person who owns, leases or occupies property outside an incorporated municipality on which a wild animal or a structure of a wild animal is allegedly causing damage and who has made a complaint under par. (a), may remove the wild animal or the structure during daylight hours if all of the following conditions apply:

1. The department has failed, within 48 hours after the receipt of the complaint, to investigate the complaint and to determine whether or not to authorize removal.

2. The department has not refused to investigate as permitted under sub. (5) (a).

3. The wild animal is not of an endangered or threatened species under s. 29.415 and is not a migratory bird on the list in 50 CFR 10.13 that is promulgated under 16 USC 701.

(d) A person who owns, leases or occupies property located within an incorporated municipality on which a wild animal or the structure of a wild animal is allegedly causing damage may capture and relocate the wild animal or may relocate its structure if the person

has made a complaint under par. (a) and all the conditions under par. (c) 1 to 3 apply.

(4) NUISANCE COMPLAINTS. (a) Upon the receipt of a complaint from a person who owns, leases or occupies property on which a wild animal or a structure is allegedly causing a nuisance, the department may investigate the complaint.

(b) The department may remove or authorize the removal of the wild animal or the structure of a wild animal if it finds that the wild animal or the structure is causing a nuisance on the property.

(4m) HUNTING ALLOWED. If the department removes or authorizes the removal of a wild animal or the structure of a wild animal under sub. (3) (b), the person who owns, leases or occupies the property on which the damage occurred shall open the property to others for hunting and trapping for one year beginning on the date on which the removal activity started unless hunting is prohibited under this chapter, rules promulgated under this chapter or any municipal ordinance.

(5) ABATEMENT. (a) The department may refuse to investigate under sub. (3) (a) if the person making the complaint refuses to participate in any available wildlife damage abatement program administered under s. 29.598 or refuses to follow reasonable abatement measures recommended by the department or by the county in which the property is located if the county participates in a wildlife damage abatement program.

(b) Before taking action under sub. (3) (b) or (4), the department may require the person making the complaint to participate in any available wildlife damage abatement program administered under s. 29.598 or to follow reasonable abatement measures recommended by the department.

(6) OWNER LIABILITY FOR BEAVER DAMAGE. A person who owns, leases or occupies property on which a beaver or a beaver structure is causing damage and who fails or refuses to give consent to the department to remove the beaver or the structure is liable for any damage caused by the beaver or the structure to public property or the property of others.

(7) NO DUTY; IMMUNITY FROM LIABILITY. (a) Except as provided in par. (d), no private property holder and no officer, employee or agent of a property holder owes any of the following duties to any person who enters the private property holder's property solely to engage in a removal activity:

1. A duty to keep the property safe for removal activities.
2. A duty to inspect the property.
3. A duty to give warning of an unsafe condition, use or activity on the property.

(b) Except as provided in par. (d), no private property holder and no officer, employee or agent of a private property holder is liable for any of the following injuries that occur on the private property holder's property:

1. An injury to a person engaging in a removal activity.

2. An injury caused by a person engaging in a removal activity.

(c) Except as provided in par. (d), nothing in this subsection, s. 101.11 or in the common law attractive nuisance doctrine creates any duty of care or ground of liability toward any person who uses private property holder's property for a removal activity.

(d) Paragraphs (a) to (c) do not apply if any of the following conditions exist:

1. An injury is caused by the malicious failure of the private property holder or an officer, employee or agent of the private property holder to warn against an unsafe condition on the property, of which the private property holder has knowledge.

2. An injury is caused by a malicious act of a private property holder or of an officer, employee or agent of a private property holder.

3. An injury is sustained by an employee of a private property holder acting within the scope of his or her duties.

(8) APPLICABILITY. Beginning July 1, 1991, this section does not apply to damage by deer if the department issues a permit under s. 167.34 (2) or if the procedure under s. 167.34 (3) applies.

SECTION 684m. 29.595 of the statutes is repealed.

SECTION 684p. 29.596 of the statutes is repealed.

SECTION 684r. 29.598 (3) (c) 4 of the statutes is amended to read:

29.598 (3) (c) 4. The procedure or formula to be used to determine land suitable for hunting and other hunting requirements necessary to comply with sub. (6)-(e) (7m).

SECTION 684t. 29.598 (6) (c) of the statutes is amended to read:

29.598 (6) (c) *Time of filing; deduction.* A In order to be eligible for wildlife damage claim payments, a person seeking wildlife damage claim payments shall file a statement of claim within 14 days after the time the wildlife damage first occurs. If a person fails to file a statement of claim within this time, the wildlife damage claim payments shall be reduced as provided under sub. (7) (b) 5.

SECTION 684v. 29.598 (6) (d) of the statutes is amended to read:

29.598 (6) (d) *Compliance with wildlife damage abatement measures.* A In order to be eligible for wildlife damage claim payments, a person seeking wildlife damage claim payments shall comply with any wildlife damage abatement measures recommended by the county. If a person fails to comply with these measures, the wildlife damage claim payments shall be reduced as provided under sub. (7) (b) 5.

SECTION 684vm. 29.598 (6) (e) of the statutes is renumbered 29.598 (7m) (a) and amended to read:

29.598 (7m) (a) (title) *Requirement.* A person seeking wildlife damage abatement assistance or wildlife

damage claim payments and any other person who owns, leases or controls the land where the wildlife damage occurred shall permit hunting of the animals causing the wildlife damage on the land where the wildlife damage occurred and on contiguous land under the same ownership and control. ~~If hunting of those animals is not permitted on that land, the wildlife damage claim payments shall be reduced as provided under sub. (7) (b) 5.~~ In order to satisfy the requirement to permit hunting of animals causing wildlife damage, the land shall be open to hunting by the public or at least 2 persons per 40 acres of land suitable for hunting are required to be permitted to hunt each day during the appropriate open season and the land is required either not to be posted against hunting or to be posted to indicate hunting by permission only. The county, with the assistance of the department, shall issue a determination of the acreage of land suitable for hunting following the filing of a statement of claim or at the time it recommends any wildlife damage abatement measures. The county shall make available signs which are appropriate for posting land to indicate hunting by permission only.

SECTION 684vp. 29.598 (7) (b) 5 of the statutes is repealed.

SECTION 684w. 29.598 (7m) (title) of the statutes is created to read:

29.598 (7m) (title) HUNTING.

SECTION 684wm. 29.598 (7m) (b) of the statutes is created to read:

29.598 (7m) (b) *Affidavits*. A participating county shall obtain from a person who is required to permit hunting under par. (a) an affidavit stating that the person shall permit hunting on the land.

SECTION 684z. 29.598 (8) of the statutes is created to read:

29.598 (8) HUNTING RIGHTS. Nothing in this section prohibits a person who owns, leases or occupies land on which wildlife damage occurs and who does not have the authority to control entry on the land for the purposes of hunting from seeking wildlife damage abatement assistance or wildlife damage claim payments.

SECTION 685b. 29.599 (4) of the statutes is amended to read:

29.599 (4) AID PAYMENTS. (a) *Costs reimbursed*. Except as provided under par. (c), the department may pay each participating county or municipality up to 100% of the county's or municipality's actual costs that are directly attributable to providing additional law enforcement services during the spearfishing season. The department shall make any aid payments from the appropriations under s. 20.370 (4) (ga), (gk) and (gm) by July 31 of the calendar year in which the county or municipality files an application under sub. (2) (c). The department may not make an aid payment unless the payment is approved by the secretary of administration.

(c) *Prorated payments allowed*. If the total amount of reimbursable costs under par. (a) exceeds the amount available for payments under s. 20.370 (4) (ga), (gk) and (gm), the department may prorate payments to participating counties and municipalities.

SECTION 685j. 29.60 (2) of the statutes is amended to read:

29.60 (2) ~~No~~ Except as provided in sub. (3), no person may take, capture or kill or attempt to take, capture or kill any wild animal with the aid of dynamite or any other explosive or poison gas, or set any dynamite or other explosives explosive near or on any beaver or muskrat houses, except that an owner or lessee of property subject to beaver damage, a governmental body in charge of the maintenance of a highway subject to beaver damage or an agent or employee of the owner, lessee or governmental body may possess explosives near established beaver houses for the purpose of destroying beaver dams within beaver damage control areas under s. 29.59 (3) (b). Possession or control of explosives an explosive or a poison gases gas in places described in sub. (1) is prima facie evidence of intent to violate this subsection. Any person who violates this subsection shall be fined not more than \$300 or imprisoned for not more than 30 days or both.

SECTION 685L. 29.60 (3) of the statutes is amended to read:

29.60 (3) Nothing in this chapter shall may prevent the department or its wardens a person authorized under s. 29.59 from using dynamite an explosive or having dynamite in possession an explosive near a beaver houses house or dams a beaver dam for the purpose of removing a beaver dams dam or a vacated beaver house when the beavers are causing damage to property owners.

SECTION 685m. The unnumbered subchapter title preceding 30.01 of the statutes is numbered subchapter I (title) of chapter 30.

SECTION 685o. 30.027 of the statutes is created to read:

30.027 Lower Wisconsin state riverway. For activities in the lower Wisconsin state riverway, as defined in s. 30.40 (15), no person obtaining a permit under subchs. I, II or V may start or engage in the activity for which the permit was issued unless the person obtains any permit that is required for the activity under s. 30.44 or 30.445.

SECTION 685p. The unnumbered subchapter title preceding 30.10 of the statutes is repealed.

SECTION 685r. Subchapter II (title) of chapter 30 of the statutes is created to read:

CHAPTER 30

SUBCHAPTER II

NAVIGABLE WATERS AND NAVIGATION IN GENERAL

(to precede s. 30.11)

SECTION 685s. 30.12 (4) (f) of the statutes is created to read:

30.12 (4) (f) This subsection does not apply to activities in the lower Wisconsin state riverway, as defined in s. 30.40 (15).

SECTION 685u. 30.124 (1) (intro.) of the statutes is amended to read:

30.124 (1) (intro.) Notwithstanding ss. 30.12, 30.125 ~~and~~, 30.20, 30.44 and 30.45 and if the department finds that the activity will not adversely affect public or private rights or interests in fish and wildlife populations, navigation or waterway flood flow capacity and will not result in environmental pollution, as defined in s. 144.01 (3), the department may do all of the following on public lands or waters:

SECTION 685um. 30.275 (3) (g) of the statutes is created to read:

30.275 (3) (g) Develop the Wisconsin Fox river scenic urban waterway, as designated in sub. (2), as a historic and recreational site.

SECTION 685v. 30.275 (4) (d) of the statutes is amended to read:

30.275 (4) (d) Provide grants to municipalities and public inland lake protection and rehabilitation districts to undertake any of the activities under pars. (a) to (c).

SECTION 685w. The unnumbered subchapter title preceding 30.30 of the statutes is numbered subchapter III (title) of chapter 30.

SECTION 686. 30.30 (3) (c) of the statutes is amended to read:

30.30 (3) (c) If the owners of the property on which the dock wall or shore protection wall is located fail to notify the board of harbor commissioners or the local legislative body within the 90-day period that the work will be commenced as specified in the resolution, the board of harbor commissioners or the local legislative body shall request the city attorney, ~~district attorney~~ or corporation counsel for the commencement of an action in the circuit court in the county in which the property is located for determination of whether or not the improvement, alteration, repair or extension of the dock wall or shore protection wall is required and for the fixing of the time by the court within which time the work must be commenced and completed. The action shall be entitled in the name of the state and the municipality, and the attorney general shall participate on behalf of the state. The complaint shall recite the type of improvement, alteration, repair or extension which is required, the approximate cost thereof, the need for such work as related to the reasons stated in par. (b), and such other allegations as may be pertinent. The owners of the property within which the dock wall or shore protection wall is located shall be named defendants. They shall be permitted to plead as provided for in civil actions. The action shall be brought to trial in the circuit court as promptly as possible. If the circuit court determines that the work shall be performed, it shall make a finding to that effect and enter an order directing the owners of the property to commence the work and to

complete it within a period of time fixed by the court in the order, or in the alternative provide that the municipality may complete the work and charge the cost thereof to the owners of the property. If the work is performed by the municipality, the cost shall be recovered from the owners of the property as special assessments for benefits to lands provided for in s. 66.60. Either party to the action may appeal from the determination of the circuit court and the appeal shall be given preference. Only ~~such~~ that portion of the cost of the work shall be assessed against the owners which is of benefit to their lands.

SECTION 687. 30.37 (3m) of the statutes is repealed.

SECTION 687d. Subchapter IV of chapter 30 of the statutes is created to read:

CHAPTER 30

SUBCHAPTER IV

LOWER WISCONSIN STATE RIVERWAY

30.40 Definitions. In ss. 30.40 to 30.49:

(1) "Agricultural use" means beekeeping; dairying; egg production; feedlots; grazing; floriculture; raising of livestock; raising of poultry; raising of fruits, nuts and berries; raising of grains, grass, mint and seed crops; raising of vegetables; and sod farming.

(2) "Board" means the lower Wisconsin state riverway board.

(3) "Boat" has the meaning given in s. 30.50 (2).

(3g) "Forester" means a person who is employed by the department to carry out assigned forest management responsibilities or who has received a bachelor's or higher degree from a school of forestry with curriculum accredited by the society of American foresters in the management of forest resources.

(3r) "High-voltage transmission line" means a conductor of electric energy exceeding one mile in length designed for operation at a nominal voltage of 100 kilovolts or more, together with associated facilities or structures.

(4) "Highway" means a way or thoroughfare, except a waterway, that is used for vehicular travel by the public.

(6) "Mobile home" means a prefabricated unit with walls of rigid construction that is designed to be towed as a single unit or in sections upon a highway by a motor vehicle and that is used or is intended to be used for human habitation.

(7) "Modify" means to renovate, remodel, expand in size or otherwise change a structure that is not damaged or destroyed.

(8) "Pedestrian" has the meaning given in s. 340.01 (43).

(9) "Person" means a natural person, corporation, partnership, association, cooperative, municipality or other local governmental unit, private or public utility, municipal power district, estate or trust, the United States, a federal agency, the state of Wisconsin or a state agency.

(10) Notwithstanding s. 30.01 (5), "pier" means a structure extending into the river from the shore with water on both sides.

(11) "Private road" means a way or thoroughfare in private ownership and used for vehicular travel only by the owner and those having express or implied permission from the owner.

(12) "Public access site" means a site owned by the state or a municipality and that provides public access to the river for boats and for recreational users. "Public access site" includes a structure in conjunction with the site that is necessary for the operation and use by the public of the site.

(13) "Refuse" means combustible and noncombustible rubbish, including, but not limited to, ashes, paper, glass, cloth, wood, metal and litter.

(14) "River" means the Wisconsin river downstream from the dam at Prairie du Sac.

(15) "Riverway" means the area within the boundaries of the lower Wisconsin state riverway.

(16) "Solid waste" has the meaning given in s. 144.01 (15).

(17) "Stairway" means a structure constructed of wood or other material that is necessary due to the steepness of a slope for access to the river.

(18) "Structure" means a building, facility or other unit that is constructed or otherwise erected.

(18m) "Timber" means standing trees which, because of their size, quality and number, are marketable.

(19) "Utility facility" means any pipe, pipeline, duct, wire line, conduit, pole, tower, equipment or other structure used for one of the following:

(a) The transmission or distribution of electrical power or light that is not a high-voltage transmission line.

(b) The transmission, distribution or delivery of heat, water, gas, sewer, telegraph or telecommunication services.

(20) "Visible from the river" means possible to be seen from any point on the river.

(21) "Visually inconspicuous" means difficult to be seen and not readily noticeable from any point on the river during the time when the leaves are on the deciduous trees.

(22) "Walkway" means a paved or unpaved trail or pathway or a structure constructed of wood or other material that is necessary due to the difficulty of the terrain for access to the river.

(23) Notwithstanding s. 30.01 (8), "wharf" means a structure in the river extending along the shore and generally connected with the uplands throughout its length.

(23m) "Woody vegetation" includes trees that are not timber.

(24) "Working day" has the meaning given in s. 227.01 (14).

30.41 Creation. (1) There is created a lower Wisconsin state riverway consisting of land as designated by the natural resources board.

(2) The department shall publish as an appendix to ch. NR 45, Wis. adm. code, a map and a description of the riverway.

30.42 Departmental duties, powers, prohibitions. (1) The department shall:

(a) Manage the land in the riverway under its ownership, supervision, management or control in conformity with ss. 30.40 to 30.49.

(b) Promote to the recreational users of the riverway an appreciation of the physical characteristics of the riverway and an appreciation of the local history, traditions and culture of the river valley.

(c) Consult with the board and with municipalities located at least in part in or adjacent to the riverway on issues concerning the riverway.

(d) Promulgate rules that are applicable only to land in the riverway to regulate the cutting and harvesting of timber so that the effect of cutting or harvesting of timber on the scenic beauty and the natural value of the riverway is minimized.

(e) For each county named in s. 15.345 (6) (b), assign a department employee whose office is in the county to serve as a liaison representative on issues concerning the riverway.

(f) Encourage an owner of land who on the effective date of this paragraph [revisor inserts date], is subject to a contract under subch. I of ch. 77 or an order designating managed forest land under subch. VI of ch. 77 to voluntarily modify the contract or amend the order to require compliance with the rules regulating timber cutting and harvesting promulgated under par. (d).

(2) The department may:

(a) Acquire land in the riverway under s. 23.09 (2) (d) including easements and rights in land under s. 23.09 (10).

(b) Enter into agreements with other agencies or persons to provide continuing and necessary maintenance, management, protection, husbandry and support for the land in the riverway under the ownership, supervision, management or control of the department.

(3) Notwithstanding s. 227.11, the department may not promulgate rules interpreting or establishing procedures for ss. 30.44 to 30.46 except for the promulgation of rules under sub. (1) (d).

30.43 Board duties. The board shall:

(1) Review applications for permits under s. 30.44 (1) to (5) and issue permits for activities that comply with their applicable performance standards.

(2) Review decisions under s. 30.44 (11).

30.435 Board powers. The board may:

(1) Grant waivers under s. 30.44 (8) (c) and impose conditions under s. 30.44 (7) and (11) (d).

- (2) Issue general permits under s. 30.44 (1) (f).
- (3) Enter into contracts to carry out its duties and powers under ss. 30.40 to 30.49.
- (4) Employ staff outside the classified service in accordance with s. 16.505.
- (5) Inform or advise a municipality that has land located outside the riverway as to the impact the development of the land may have on the riverway.
- (6) Advise or make a recommendation to a city or village that has land adjacent to the riverway to encourage the city or village to adopt ordinances or other rules or regulations that preserve the scenic value of that land.
- (7) Report to the legislature on the effectiveness of ss. 30.44 to 30.49.
- (8) Advise the department on any conflict between the recreational use in the riverway and ss. 30.44 (1) to (5), 30.445 and 30.45 to 30.48.
- (9) Delegate to its staff the power to:
 - (a) Issue, grant waivers to and impose conditions on permits, other than general permits.
 - (b) Enter into contracts.

30.437 Reports. The department shall prepare 3 reports with its recommendations on whether aid should be provided to municipalities for their costs incurred in complying with ss. 30.44 to 30.47. The department shall submit the 3 reports to the governor and the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3). The first report shall be submitted after July 1, 1990, and before August 1, 1990. The 2nd report shall be submitted after July 1, 1992, and before August 1, 1992. The 3rd report shall be submitted after July 1, 1994, and before August 1, 1994. This section does not apply after August 1, 1994.

30.44 Permits. (1) **STRUCTURES; MOBILE HOMES.** (a) For purposes of this subsection, notwithstanding s. 30.40 (18), "structure" excludes boat shelters, boat-houses, bridges, dams, fishing rafts, fixed houseboats, piers, public access sites, stairways, swimming rafts, high-voltage transmission lines, utility facilities, walkways and wharves.

(b) A person shall apply for and receive a permit before starting any of the following activities on land in the riverway:

1. Construction of a structure, including clearing or grading the land for the structure.
2. Placement or replacement of a mobile home.
3. Modification of a structure or a mobile home.
4. Repair of a damaged structure or reconstruction of a destroyed structure unless exempt under par. (g).
5. Repair of a mobile home unless exempt under par. (g).

(c) A person may not be issued a permit for an activity in par. (b) on land that is visible from the river and that is in the riverway unless all of the following performance standards are met:

1. Sufficient vegetation exists on the land to allow the structure or mobile home to be visually inconspicuous.

2. The structure or mobile home shall not be higher than the surrounding vegetation during the time when the leaves are on the deciduous trees.

3. Visual impact shall be minimized by the use of exterior colors that harmonize with the surroundings and by the limited use of glass or other reflective materials, except that a structure that is for agricultural use may be painted in a traditional manner in red or white.

4. The natural slope of the land shall be 12% or less.

5. The site of the structure or mobile home shall be at least 100 feet behind the top of the bluff or 100 feet below the top of the bluff.

(d) A person may not be issued a permit for an activity in par. (b) on land that is not visible from the river and that is in the riverway unless the performance standard in par. (e) is met.

(e) The height of the structure or mobile home shall not result in its being visible from the river.

(f) For land in the riverway that is not visible from the river and that is not zoned shorelands, the board may issue a general permit for an activity in par. (b) that is applicable to a designated area of the riverway instead of requiring applications for individual permits for the activity under par. (b). A person engaging in an activity in par. (b) in an area for which a general permit has been issued for the activity shall comply with the performance standard in par. (e).

(g) Paragraphs (b) to (f) do not apply to the repair of a damaged structure or mobile home or to the reconstruction of a destroyed structure if all of the following apply:

1. No municipal ordinance or other municipal regulation prohibits the repair or reconstruction.

2. The repaired mobile home or the repaired or reconstructed structure will not be larger in size or more visible from the river than it was immediately before it was damaged or destroyed.

(2) **WALKWAYS; STAIRWAYS.** (a) A person shall apply for and receive a permit before starting any of the following activities on land in the riverway:

1. Construction of a stairway or walkway.
2. Modification of a stairway or walkway.
3. Repair of a damaged stairway or walkway or reconstruction of a destroyed stairway or walkway unless exempt under par. (c).

(b) A person may not be issued a permit for an activity in par. (a) unless the following performance standards are met:

1. The walkway or stairway shall be visually inconspicuous.

2. The walkway or stairway shall have sufficient safeguards to minimize erosion.

3. The walkway or stairway shall be for pedestrians only.

(c) Paragraphs (a) and (b) do not apply to the repair of a damaged stairway or walkway or to the reconstruction of a destroyed stairway or walkway if all of the following apply:

1. No municipal ordinance or other municipal regulation prohibits the repair or reconstruction.

2. The repaired or reconstructed stairway or walkway will not be larger in size or more visible from the river than it was immediately before it was damaged or destroyed.

4. The repaired or reconstructed stairway or walkway shall be for pedestrians only.

(3) FORESTRY. (a) A person shall apply for and receive a permit before cutting or harvesting timber on land in the riverway.

(b) A person may not be issued a permit for an activity in par. (a) unless the performance standard in par. (bn) is met.

(bn) The cutting and harvesting of timber shall comply with the rules regulating timber cutting and harvesting promulgated by the department under s. 30.42 (1) (d).

(c) This subsection does not apply to the following:

1. Timber subject to a contract under subch. I of ch. 77 that is in effect on the effective date of this subdivision [revisor inserts date], except as provided in s. 77.17.

2. Timber subject to an order designating managed forest land under subch. VI of ch. 77 that is in effect on the effective date of this subdivision [revisor inserts date], except as provided in s. 77.82 (1m).

2g. Timber that is on land zoned shorelands under s. 59.971, that is located in a county that has adopted the rules regulating timber cutting and harvesting promulgated by the department under s. 30.42 (1) (d), and that is cut and harvested in compliance with these rules.

2m. The cutting of timber that is necessary for maintenance of an easement or a right-of-way for a high-voltage transmission line or a utility facility.

2r. Diseased timber if a forester has issued a written determination that the timber is subject to an actual, potential or incipient infestation or infection by an insect or disease that is harmful to the timber.

3. Timber damaged by natural causes.

4. Timber cut on land that is more than 75 feet beyond the high-water mark of the river and that is owned or occupied by a person if the timber cut is used as firewood for the person's agricultural or household use.

(3m) UTILITY FACILITIES. (a) A person shall apply to and receive a permit from the board before constructing, modifying or relocating a utility facility that is in the riverway.

(b) A person may not be issued a permit for an activity in par. (a) unless the performance standard in par. (c) is met.

(c) All reasonable efforts, as determined by the board, shall be taken to minimize the visual impact of the utility facility.

(d) The use of an aboveground utility facility shall not be a basis for the board to determine that all reasonable efforts will not be taken to minimize the visual impact.

(5) BRIDGES. (a) A person shall apply for and receive a permit before starting any of the following activities on land in the riverway:

1. Construction, modification or reconstruction of a bridge.

2. Repair of a bridge unless exempt under par. (d).

(b) A person may not be issued a permit for an activity in par. (a) unless the performance standard in par. (c) is met.

(c) Visual impact shall be minimized by the use of exterior colors that harmonize with the surroundings and by the limited use of glass or other reflective materials.

(d) Paragraphs (a) and (b) do not apply to the repair of a bridge in the riverway if all of the following are applicable:

1. No municipal ordinance or other municipal regulation prohibits the repair.

2. The repaired bridge will not be larger in size or more visible from the river than it was immediately before it was damaged.

(7) CONDITIONS ON PERMITS. The board or county may impose on a permit a condition that is necessary to assure compliance with the performance standards in subs. (1) to (5) or to assure that the activity is completed within a reasonable time, except that only the board may impose such a condition on a permit issued under sub. (3m).

(8) BOARD PROCEDURE. (a) Except as provided under sub. (1) (f), a person shall apply for and be issued by the board a permit for an activity in subs. (1) to (3) and (5) for land in the riverway that is not zoned shorelands under s. 59.971.

(am) A person shall apply for and be issued by the board a permit for an activity in sub. (3m) for land in the riverway.

(b) The board may not issue a permit under par. (a) or (am) if the performance standards for the activity are not met.

(c) The board may grant a waiver of a performance standard for an activity in sub. (1) (b) or a waiver for an activity prohibited in s. 30.45 (3) or (3m) and issue a permit under par. (a) or (am) if one of the following applies:

1. A municipality requests the waiver that is necessary for municipal purposes.

2. A municipality requests the waiver on behalf of a resident of a municipality, enforcement of the performance standard or prohibition will cause unnecessary hardship to the resident and the visual impact of the activity will be minimized to the greatest degree possible.

(d) For purposes of par. (c) 2, unnecessary hardship must be:

1. Compelling personal needs of the resident that are not self-imposed or self-created and that are not solely based on the financial hardship of the resident; or

2. Natural causes beyond the control of the resident.

(e) The board may not grant a waiver for unnecessary hardship due to natural causes beyond the control of the resident if the reason for granting the waiver is based solely on the financial hardship of the resident.

(9) COUNTY PROCEDURE. (a) A person shall apply for and be issued by the county in which the land is located a permit for an activity in subs. (1) to (3) and (5) for land in the riverway that is in the county and that is zoned shorelands under s. 59.971.

(b) The county may not issue a permit under par. (a) if the performance standards for the activity are not met.

(c) The county may grant a waiver of a performance standard for an activity in sub. (1) (b) or a waiver for an activity prohibited in s. 30.45 (3) or (3m) and issue a permit for the activity under par. (a) if one of the following applies:

1. A municipality requests the waiver that is necessary for municipal purposes.

2. A municipality requests the waiver on behalf of a resident of a municipality, enforcement of the performance standard or prohibition will cause unnecessary hardship to the resident and the visual impact of the activity will be minimized to the greatest degree possible.

(d) For purposes of par. (c) 2, unnecessary hardship must be:

1. Compelling personal needs of the resident that are not self-imposed or self-created and that are not solely based on the financial hardship of the resident; or

2. Natural causes beyond the control of the resident.

(e) The county may not grant a waiver for unnecessary hardship due to natural causes beyond the control of the resident if the reason for granting the waiver is based solely on the financial hardship of the resident.

(f) Notwithstanding s. 59.971 (4) (b), the procedures for appeals under s. 59.99 apply to denials of permits under this subsection. If the county does not have a county board of adjustment established under s. 59.99, the procedure established by the county that

is in lieu of the procedure for appeals in s. 59.99 shall apply.

(10) REVOCATION OF PERMIT. (a) The board or a county shall revoke a permit it issued under sub. (8) or (9) if a person fails to comply with the performance standards for the permit that are not waived under sub. (8) (c) or (9) (c).

(b) The board shall revoke a general permit issued under sub. (1) (f) if it finds the performance standard under sub. (1) (e) is not being met in the designated area.

(11) BOARD REVIEW. Notwithstanding s. 59.971 (4) (b), if a county grants a waiver and issues a permit under sub. (9) (c), the following procedure shall apply in lieu of the procedures for appeals specified in sub. (9) (f):

(a) Within 10 working days after the date the county makes its decision, the county shall file a copy of its permit, decision and any supporting materials with the board.

(b) The board shall decide whether to accept the decision for review within 14 working days after the filing. Until the board decides whether to accept the decision for review, no person may engage in the activity for which the county granted the waiver and issued the permit.

(c) If the board decides to accept the decision for review, it shall determine whether the waiver meets the requirements of sub. (9) (c). If the board determines that the requirements of sub. (9) (c) are met, it shall approve the waiver. If the board determines that the requirements of sub. (9) (c) are not met, it shall deny the waiver.

(d) If the board approves the waiver, it may impose on the waiver a condition that is necessary to assure compliance with any performance standard that has not been waived or to assure that the activity is completed within a reasonable time.

(e) If the board decides to accept the decision for review, no person may engage in the activity for which the county granted the waiver and issued the permit while the review is pending before the board.

(f) If the board declines the decision for review, or fails to accept the decision for review within 14 working days after the filing, the decision shall become final.

30.445 Piers. (1) No person may construct, relocate or modify a pier or reconstruct a destroyed pier in the riverway.

(2) No person may have or maintain a pier in the riverway after November 30, 1990, unless the board has issued a permit for the pier under sub. (3) and the board has not revoked the permit under sub. (6).

(3) Any person who owns a pier in the riverway that was in existence on the effective date of this subsection ... [revisor inserts date], may, before September 1, 1990, apply for a permit from the board to have and maintain the pier. Upon application the board shall issue the permit.

(4) The permit authorizes the person to whom the permit is issued to have and maintain the pier in the riverway on the condition that it be maintained in at least as good condition as it was in on the date of the application for the permit.

(5) The permit authorizes repairs to the pier unless any of the following applies:

(a) A municipal ordinance or other municipal regulation prohibits the repair.

(b) The repaired pier will be larger in size or more visible from the river than it was immediately before the damage.

(6) The board shall revoke any permit issued under sub. (3) if the owner of the pier does not comply with sub. (4) or (5).

(7) If a person who owns a pier in the riverway that was in existence on the effective date of this subsection [revisor inserts date], does not apply for a permit from the board or has not removed the pier before September 1, 1990, the person shall remove the pier by November 30, 1990.

(8) If a permit issued under sub. (3) has been revoked, the owner of the pier shall remove the pier within 15 days after the revocation, or if the board grants additional time for the removal, within that time.

30.45 Prohibitions. In the riverway:

(1) No person may start or engage in an activity under s. 30.44 (1) to (5) or 30.445 without having any permit that is required under s. 30.44 or 30.445.

(1g) No person may cut or harvest timber unless par. (c) applies and either par. (a) or (b) applies:

(a) The person has a permit under s. 30.44 (3).

(b) The cutting or harvesting of the timber is exempt under s. 30.44 (3) (c).

(c) The cutting or harvesting complies with any rule promulgated under s. 30.42 (1) (d) which the person must comply with under s. 77.17 or 77.82 (11m).

(1r) No person may construct, modify or relocate a high-voltage transmission line unless it has been approved under s. 196.491 (3) (d) 3m or 196.492.

(2) No person may violate a condition imposed under s. 30.44 (7) or (11) (d).

(3) No person may cut woody vegetation below the ordinary high-water mark or within 75 feet beyond the ordinary high-water mark of the river except for the amount necessary for:

(a) One strip 15 feet or less in width for each separately owned parcel of land on the river that is necessary for gaining access to the river.

(ag) An activity for which a permit has been issued under s. 30.44 or 30.445 and has not been revoked under s. 30.44 (10) or 30.445 (6).

(ar) An activity that s. 30.44 exempts from a permit.

(b) Maintenance of an easement or right-of-way for a utility facility.

(bn) Construction, reconstruction, modification, relocation, repair or maintenance of a high-voltage transmission line.

(c) Construction, modification, reconstruction or repair of a public access site as allowed under sub. (8).

(cg) Construction, modification, reconstruction or repair of a wharf as allowed under sub. (9).

(cr) Maintenance of a structure by a person who complies with any provision of ss. 30.44 to 30.46 and subs. (1), (2) and (4) to (13) that applies to the structure.

(d) Maintenance of a right-of-way for a highway, private road or a railroad.

(dh) Modification, repair or reconstruction of a dam.

(dp) Removal of diseased woody vegetation if a forester has issued a written determination that the woody vegetation is subject to an actual, potential or incipient infestation or infection by an insect or disease that is harmful to the woody vegetation.

(dt) Cutting or harvesting timber if the cutting or harvesting complies with any rule promulgated under s. 30.42 (1) (d) which the landowner must comply with under s. 77.17 or 77.82 (11m).

(e) Removal of woody vegetation damaged by natural causes.

(3m) No person may cut woody vegetation on land that is more than 75 feet beyond the ordinary high-water mark of the river except:

(a) As specified in sub. (3) (a) to (e).

(b) For woody vegetation cut on land owned or occupied by a person if the woody vegetation cut is used as firewood for the person's agricultural or household use.

(4) No person may store or dispose of junk as defined in s. 84.31 (2) (e).

(4m) No person may store or dispose of solid waste unless the solid waste is:

(a) Nonhazardous sludges from a treatment work, as defined under s. 147.015 (18), that is spread as a soil conditioner or a nutrient on land that is in agricultural use; or

(b) Unmanipulated animal or vegetable manure, as defined in s. 94.64 (1) (t), that is spread as a soil conditioner or a nutrient on land that is in agricultural use.

(5) No person may begin a mining or quarrying activity or expand a mining or quarrying activity.

(6) No person may construct, reconstruct or alter a highway or private road unless the highway or private road and any embankments, grading, rock cuts or associated structures are visually inconspicuous and are constructed with sufficient safeguards to prevent erosion.

(7) No person may erect a sign that is visible from the river other than:

(a) A sign erected by the department that is necessary for public use of the riverway.

(b) A sign erected by the state or municipality in charge of a highway.

(c) A sign required for notice under s. 943.13 (2).

(8) No person may:

(a) Construct, reconstruct or modify a public access site unless the visual impact of the site is minimized by the use of exterior colors that harmonize with the surroundings and by the limited use of glass or other reflective materials.

(b) Repair a damaged or reconstruct a destroyed public access site unless all of the following apply:

1. No municipal ordinance or other municipal regulation prohibits the repair or reconstruction.

2. The repaired or reconstructed public access site will not be larger in size or more visible from the river than it was immediately before it was damaged or destroyed.

(9) No person may:

(a) Construct or modify a wharf or reconstruct a destroyed wharf unless it will be 20 feet or less in length and 3 feet or less in width and it will not have a railing or other structure extending above its deck.

(b) Repair a damaged wharf unless all of the following apply:

1. No municipal ordinance or other municipal regulation prohibits the repair.

2. The repaired wharf will not be larger in size or more visible from the river than it was immediately before it was damaged.

(10) No person may:

(a) Construct, relocate, replace or reconstruct a boat shelter.

(b) Have or maintain a boat shelter after November 15, 1990.

(12) No person may:

(a) Construct, relocate, replace or reconstruct a swimming raft.

(b) Have or maintain a swimming raft after November 15, 1990.

(13) No person may have or maintain a stairway or walkway unless sufficient safeguards are taken to minimize erosion.

30.455 Department of transportation activities. (1) Construction, reconstruction, design, maintenance, modification or repair activities, or mining or quarrying activities in the riverway, that are carried out under the direction and supervision of the department of transportation are not subject to ss. 30.44 to 30.45. At the earliest practical time before the commencement of these activities, the department of transportation shall notify and consult with the department on the location, nature and extent of the proposed work.

(2) (a) The exemption under sub. (1) does not apply unless the standard in par. (b) is met.

(b) To the extent it is economically and technically feasible, the department of transportation shall minimize the visual impact of the activity and any resulting highway or structure.

(c) The department of transportation, in consultation with the department, shall adopt standards to implement par. (b).

(3) If the department determines that there is reasonable cause to believe that an activity being carried out under this subsection or a resulting highway or structure is not in compliance with the standard in sub. (2) (b), it shall notify the department of transportation. If the secretary and the secretary of transportation are unable to agree upon the methods or time schedules to be used to correct the alleged noncompliance, the secretary, notwithstanding the exemption provided in this subsection, may proceed with enforcement actions as the secretary considers appropriate.

(4) Except as may be required under s. 1.11, no public notice or hearing is required in connection with any interdepartmental consultation and cooperation under this subsection.

30.46 Agricultural use. (1) A person may develop or use land in the riverway for agricultural use that is not in agricultural use on the effective date of this subsection [revisor inserts date], if:

(a) The development and use comply with the rules for the soil and water resource management program promulgated by the department of agriculture, trade and consumer protection under s. 92.14; and

(b) The person otherwise complies with this subchapter in developing or using the land for agricultural use.

(2) Notwithstanding sub. (1) (b), a person is not required to comply with rules for the soil and water resource management program promulgated under s. 92.14 by the department of agriculture, trade and consumer protection for land in the riverway and that is in agricultural use on the effective date of this subsection [revisor inserts date].

(3) Notwithstanding sub. (1) (b), s. 30.44 (1) does not apply to the construction, modification, repair or reconstruction of a structure that is used exclusively for agricultural use on land in the riverway if the land is in agricultural use on the effective date of this subsection [revisor inserts date].

30.47 Restrictions on recreational use. (1) No natural person may operate a boat on public waters in the riverway without having an adequately sized waterproof container in the boat in which to place refuse.

(2) No person may leave refuse on land in the riverway owned, managed, supervised or controlled by the department or on public waters in the riverway.

(3) (a) Except as provided in par. (b), no person may have a glass container on land in the riverway owned, managed, supervised or controlled by the department or on islands or public waters in the riverway.

(b) Paragraph (a) does not apply to a natural person or his or her guest having a glass container on land in the riverway that the natural person owns or occupies as a tenant.

30.48 Applicability. (1) Sections 30.44 to 30.47 are in addition to and are not superseded by any law, rule, ordinance or other regulation governing an activity that occurs in the riverway.

(2) Sections 30.44 to 30.47 do not apply to land that is located in a city or village on the effective date of this subsection [revisor inserts date], or to land located within 0.5 mile of the corporate limits of a city or village on the effective date of this subsection [revisor inserts date], that is annexed to the city or village after the effective date of this subsection [revisor inserts date].

30.49 Enforcement. (1) **FORFEITURES.** (a) Any person who knowingly violates ss. 30.44 to 30.455 or 30.46 (1) shall forfeit not more than \$1,000 for each violation.

(b) Each day that a violation under par. (a) continues is a separate violation.

(c) Any person who violates ss. 30.44 to 30.455 or 30.46 (1) shall forfeit not more than \$1,000 for each violation.

(d) Any person who intentionally violates s. 30.47 shall forfeit not more than \$500.

(e) Paragraph (b) does not apply to a violation under par. (c) or (d).

(f) 1. For violations under par. (c), if the alleged violator has not previously received a warning notice for a violation of the same statutory provision, the law enforcement officer or warden shall issue the violator a warning notice and may not issue a citation.

2. The warning notice under subd. 1 shall inform the alleged violator of the action the alleged violator is required to take to be in compliance with the applicable statutory provision. If the warning notice requires the alleged violator to remedy the effects of the violation, the alleged violator has 30 days to do so unless subd. 3 applies.

3. The alleged violator may request in writing from the board an extension of time to remedy the effects of the violation. The board for good cause may grant an extension of time.

4. If the alleged violator fails to comply with the warning notice, the law enforcement officer or warden may issue a citation. If the alleged violator complies with the warning notice, the law enforcement officer or warden may not issue a citation.

5. The department shall record the issuances of warning notices for purposes of this paragraph.

(2) **CIVIL REMEDIES.** (a) The state, board or a municipality may file a civil action to enforce ss. 30.44 to 30.46.

(b) If the plaintiff prevails in a civil action under par. (a), the court may grant:

1. Injunctive relief under ch. 813.

2. A declaratory judgment under s. 806.04.

3. A decree for specific performance for which the court may supervise compliance.

(3) **OTHER RIGHTS, REMEDIES.** This section does not limit any other right or remedy provided by law.

SECTION 687e. The unnumbered subchapter title preceding 30.50 of the statutes is numbered subchapter V (title) of chapter 30.

SECTION 687f. 30.79 (2) of the statutes is amended to read:

30.79 (2) **STATE AID.** In order to protect public rights in navigable waters and to promote public health, safety and welfare and the prudent and equitable use of the navigable waters of the state, a system of state aids for local enforcement of ss. 30.50 to 30.80 and ordinances enacted under ss. 30.50 to 30.80 and for conducting search and rescue operations is established. ~~Aid shall be granted under this section to those municipalities which establish, maintain and operate water safety patrol units in accordance with this chapter.~~

SECTION 687g. 30.79 (2m) of the statutes is created to read:

30.79 (2m) **RULES FOR ELIGIBILITY.** (a) The department shall promulgate rules that restrict the costs eligible for state aid under this section. The rules shall establish the following:

1. A method for calculating the maximum number of hours spent on enforcement activities or on search and rescue operations by a water safety patrol unit that will be eligible for state aid.

2. The maximum number of crew members on a boat operated by a water safety patrol unit whose compensation will be eligible for state aid.

3. The types and location of navigable waters on which a water safety patrol unit may operate for the municipality operating the unit to be eligible for state aid.

(b) In establishing the method of calculation under par. (a) 1, the department shall include the amount of boating activity and the size of the navigable water as factors to be used in making these calculations.

(c) In addition to the rules promulgated under par. (a) the department may promulgate rules that relate to making the operation or maintenance of a water safety patrol unit more cost-effective.

SECTION 687h. 30.79 (5) of the statutes is amended to read:

30.79 (5) **PAYMENT OF AIDS.** On or before January 31 of the year following the year in which a municipality operated a water safety patrol unit, it shall file with the department on the forms prescribed by it a detailed statement of the costs incurred by the municipality in the operation of the water safety patrol unit during the past calendar year and of the receipts resulting from fines or forfeitures imposed upon persons convicted of violations of ordinances enacted under s. 30.77. The department shall audit the statement and determine the net costs, ~~after deduction of any fines or forfeitures imposed upon persons convicted of violations of ordinances enacted under s.~~

30.77, which that are directly attributable to the operation and maintenance of the water safety patrol unit, including a reasonable amount for depreciation of equipment. In calculating the net costs, the department shall deduct any fines or forfeitures imposed on persons convicted of violations of ordinances under s. 30.77 and any costs that do not comply with the rules promulgated under sub. (2m). The department shall compute the state aids on the basis of 75% of ~~the these~~ net costs ~~directly attributable to the operation and maintenance of the water safety patrol unit~~ and shall cause the aids to be paid on or before April 1 of the year in which the statements are filed. If the state aids payable to municipalities exceed the moneys available for such purpose, the department shall prorate the payments. No county or municipality ~~shall~~ may receive state aid amounting to more than 20% of the funds available.

SECTION 687hg. 30.80 (4) of the statutes is amended to read:

30.80 (4) Any person violating any provision of s. 30.72 or the rules promulgated pursuant ~~thereto~~ under s. 30.72 shall ~~be fined~~ forfeit not more than \$100 ~~or imprisoned for not more than 30 days, or both, for the first offense, and fined shall forfeit not more than \$200 or imprisoned for not more than 90 days, or both, upon conviction of the same offense a 2nd or subsequent time within one year.~~

~~SECTION 687hm. 30.91 of the statutes is created to read:~~

Vetoed
in Part

~~30.91 State recreational boating projects; zoning exemption. Notwithstanding s. 13.48, a state recreational boating project that is established by the department and that provides public access to an inland water as defined in s. 29.01 (9), is not subject to any zoning requirement of the municipality in which it is located if all of the following apply:~~

~~(1) The inland water is a lake located in a county specified in s. 144.30 (25).~~

~~(2) The lake is one of up to 15 lakes identified by the department as having inadequate public access based on criteria established by the department by rule.~~

Vetoed
in Part

~~SECTION 687hp. 30.92 (title) of the statutes is amended to read:~~

~~30.92 (title) Recreational boating projects.~~

SECTION 687i. 30.92 (1) (b) of the statutes is amended to read:

30.92 (1) (b) "Governmental unit" means the department, a municipality, a public inland lake protection and rehabilitation district organized under ch. 33, the Milwaukee river revitalization council, the lower Wisconsin state riverway board or the Fox river management commission.

SECTION 687j. 30.92 (1) (bg) of the statutes is created to read:

30.92 (1) (bg) "Great Lakes" means Lake Superior and Lake Michigan and includes Chequamegon Bay and Green Bay.

SECTION 687jm. 30.92 (1) (bn) of the statutes is created to read:

30.92 (1) (bn) "Inland water" means a water not defined as outlying waters in s. 29.01 (11) and includes a bay, bayou or a slough of the Mississippi river bottoms.

SECTION 687k. 30.92 (1) (br) of the statutes is created to read:

30.92 (1) (br) "Qualified lake association" means a group incorporated under ch. 181 that meets all of the following conditions:

1. Is an organization described in section 501 (c) (3) of the internal revenue code that is exempt from federal income tax under section 501 (a) of that code.

2. Specifies in its articles of incorporation or bylaws that a substantial purpose of its being incorporated is to support the protection, improvement ~~or recreational development~~ of one or more inland lakes for the benefit of the general public.

Vetoed
in Part

3. Demonstrates ~~to the satisfaction of the commission~~ that the substantial purpose of its past actions was to support the protection, improvement ~~or recreational development~~ of one or more inland lakes for the benefit on the general public.

Vetoed
in Part

Vetoed
in Part

4. Allows to be a member any individual who for at least one month each year reside on or within one mile of an inland lake for which the association was incorporated.

5. Allows to be a member any individual who owns real estate on or within one mile of an inland lake for which the association was incorporated.

6. Does not limit or deny the right of any member or any class of members to vote as provided under s. 181.16 (1).

7. Has been in existence for at least one year.

8. Has at least 25 members.

9. Requires payment of an annual membership fee of not less than \$5 nor more than \$25.

SECTION 687km. 30.92 (1) (c) of the statutes is amended to read:

30.92 (1) (c) "Recreational boating facilities" means places where the public has access to the water by means of breakwaters and other similar physical structures, either naturally or artificially constructed, ~~which that~~ provide safety and convenience for operators of recreational ~~watercraft~~ boats. "Recreational boating facilities" also includes harbors of refuge, public accesses, launching ramps and locks and facilities which that provide access between waterways for operators of recreational ~~watercraft~~. ~~Recreational boating facilities on the Great Lakes are commonly referred to as harbors of refuge. Recreational boating facilities on inland waters are commonly referred to as public accesses or launching ramps boats.~~

Vetoed
in Part

~~SECTION 687lp. 30.92 (2) (a) of the statutes is amended to read:~~

Vetoed
in Part

Vetoed
in Part

~~30.92 (3) (a) The commission may cause to be conducted appropriate studies, including feasibility studies, and inventories to aid in assessing the need for recreational boating facilities projects.~~

~~SECTION 687L. 30.92 (2) (c) of the statutes is amended to read:~~

~~30.92 (2) (c) Feasibility studies may be conducted upon the request of the affected governmental unit or qualified lake association. Feasibility studies shall be of sufficient detail to allow affected governmental units or qualified lake associations to decide if a recreational boating facility construction project should be supported.~~

~~SECTION 687M. 30.92 (2) (d) 3 of the statutes is amended to read:~~

~~30.92 (2) (d) 3. Expression of support by the governmental unit or the qualified lake association.~~

~~SECTION 687mg. 30.92 (2) (d) 4 of the statutes is amended to read:~~

~~30.92 (2) (d) 4. Distance the area to be studied is For a recreational boating facility, the distance of the site of the proposed facility from other recreational boating facilities.~~

~~SECTION 687n. 30.92 (2) (e) of the statutes is amended to read:~~

~~30.92 (2) (e) A governmental unit's decision by a governmental unit or a qualified lake association to support a recreational boating facility project feasibility study shall be made by a resolution indicating support for a more detailed inquiry into the engineering, environmental and economic feasibility of a project. Support of a recreational boating facility project feasibility study does not commit the affected governmental unit or qualified lake association to cost sharing in the construction of a proposed facility or the management or operation of a facility project.~~

~~SECTION 687o. 30.92 (3) (a) of the statutes is amended to read:~~

~~Vetoed 30.92 (3) (a) Only those proposed recreational in Part boating facility projects found to be feasible and supported by the affected governmental unit or qualified lake association and approved by the commission~~

~~Vetoed shall be placed on a priority list by the commission. in Part The department shall maintain the list of priority projects. Annually, the department shall inform all~~

~~Vetoed affected governmental units, except itself, and all in Part qualified lake associations of their position on the priority list.~~

~~Vetoed SECTION 687om. 30.92 (3) (b) 1 of the statutes is in Part amended to read:~~

~~30.92 (3) (b) 1. Distance For a recreational boating facility, the distance of the site of the proposed project is facility from other recreational boating facilities.~~

~~SECTION 687op. 30.92 (3) (b) 2 of the statutes is amended to read:~~

~~30.92 (3) (b) 2. Demand for safe recreational boating facilities.~~

~~SECTION 687p. 30.92 (3) (b) 3 of the statutes is amended to read:~~

~~30.92 (3) (b) 3. Expression of support by the governmental unit or the qualified lake association.~~

~~SECTION 687pm. 30.92 (3) (b) 4 of the statutes is amended to read:~~

~~30.92 (3) (b) 4. Existing facilities recreational boating projects.~~

~~SECTION 687q. 30.92 (4) (a) of the statutes is amended to read:~~

~~30.92 (4) (a) The department shall develop and administer, with the approval of the commission, a financial assistance program for governmental units and the department in the construction and maintenance of capital improvements related to recreational boating facilities and in the maintenance and operation of locks and facilities which provide access between water and a qualified lake association for recreational boating projects. No financial assistance under this section may be provided to the Fox river management commission for feasibility studies of construction projects or for construction projects. No financial assistance under this section may be provided to the department other than for projects for access to inland waters, as classified under s. 29.01 (9), which that are lakes without a public access facility.~~

~~SECTION 687qb. 30.92 (4) (b) (intro.) of the statutes is amended to read:~~

~~30.92 (4) (b) (intro.) The following standards shall apply to the state funding of all recreational boating facilities projects.~~

~~SECTION 687qd. 30.92 (4) (b) 2 of the statutes is amended to read:~~

~~30.92 (4) (b) 2. The department may cost-share, with the approval of the commission, with the an affected department, municipality or public inland lake protection and rehabilitation district qualified lake association or governmental unit, including itself, at a rate of up to 50% of the feasibility study, any construction costs, management and, operation, acquisition, development, maintenance or feasibility study costs or any combination of these items, of costs, for the recreational boating facility project if the costs are the type that qualify for funding under this section. The department may pay, with the approval of the commission, an additional 10% of the costs of the a construction project if a municipality conducts a boating safety enforcement and education program approved by the department. If the affected governmental unit is the Fox river management commission, the department may cost share, with the approval of the Wisconsin waterways commission, at a rate of up to 50% for the management and operation costs or any combination of these items, of the recreational boating facility.~~

~~SECTION 687qf. 30.92 (4) (b) 3 of the statutes is amended to read:~~

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

**Vetoed
in Part**

~~30.92 (4) (b) 3. No more than 10% of the state funds available for recreational boating facilities project aids under this section may be expended for feasibility studies in one year. No more than one percent 1% of the state funds available for recreational boating facilities project aids under this section may be expended for any one feasibility study in one year.~~

~~SECTION 687qm. 30.92 (4) (b) 4 of the statutes is amended to read:~~

~~30.92 (4) (b) 4. No state funds available for recreational boating facilities aids may be used for the purchase of land or the construction of facilities commonly used to berth boats.~~

~~SECTION 687r. 30.92 (4) (b) 6 of the statutes is amended to read:~~

**Vetoed
in Part**

~~30.92 (4) (b) 6. Thirty Forty percent of the state funds available for recreational boating facilities project aids under this section shall be expended for Great Lakes (including Chequamegon Bay and Green Bay) projects. Thirty Forty percent of the state funds available for recreational boating facilities aids under this section shall be expended for inland waters, as classified under s. 29.01 (9), water projects. The commission may designate recreational boating project~~

**Vetoed
in Part**

~~aids for locks and facilities which that provide access between the Great Lakes and inland waters as aids expended for inland waters, as aids expended for projects deemed necessary by the commission without regard to location or as aids under a combination of those these 2 types of projects. Forty Twenty percent of the state funds available for recreational boating~~

**Vetoed
in Part**

~~facilities project aids under this section 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.~~

~~SECTION 687rm. 30.92 (4) (b) 7 of the statutes is amended to read:~~

**Vetoed
in Part**

~~30.92 (4) (b) 7. Projects qualifying for funds available for recreational boating facilities project aids under this section include, but are not limited to, construction, maintenance~~

**Vetoed
in Part**

~~and improvement of harbors of refuge on the Great Lakes; accommodation of motor-powered recreational watercraft; construction and improvement of public access and related facilities on inland waters where motor-powered recreational watercraft are permitted; and management, maintenance and operation of locks and facilities which that provide access between waterways for the operators of recreational watercraft.~~

**Vetoed
in Part**

~~SECTION 687rp. 30.92 (4) (b) 8 of the statutes is created to read:~~

~~30.92 (4) (b) 8. In addition to those projects specified under subd. 7, the following projects qualify for recreational boating project aids as projects for inland waters:~~

~~b. Acquisition of a conservation easement, as defined in s. 700.40 (1) (a), that will protect, preserve or enhance the public enjoyment of an inland water.~~

**Vetoed
in Part**

~~c. A project designed to demonstrate an innovative technique for the protection, improvement or recreational development of an inland water.~~

~~d. A project to educate the public on the protection or improvement of an inland water or on recreational boating safety.~~

~~e. A project designed to assist in establishing or improving the organization of a governmental unit, other than the department, or a qualified lake association that is engaged in the protection, improvement or recreational development of an inland water.~~

~~SECTION 687s. 30.92 (5) of the statutes is amended to read:~~

~~30.92 (5) RULES. The commission shall recommend rules for promulgation by the department as necessary to implement the recreational boating facilities program under this section. The commission shall recommend rules relating to the type and content of studies to be conducted, cost-sharing arrangements for studies and capital improvements and liaison arrangements between the state and federal agencies, other state agencies, governmental units, qualified lake associations and other persons.~~

~~SECTION 687t. 30.92 (6) (a) of the statutes is amended to read:~~

~~30.92 (6) (a) The department shall provide governmental units and qualified lake associations with technical assistance in all phases of implementing the boating facilities financial assistance program under this section. The department shall also coordinate the boating facilities program with all other related state and federal programs.~~

~~SECTION 687u. 30.92 (7) of the statutes is amended to read:~~

~~30.92 (7) USE OF WISCONSIN CONSERVATION CORPS. To the greatest extent practicable, the department, the commission and the implementing municipality affected governmental units and qualified lake associations shall encourage and utilize the Wisconsin conservation corps for appropriate projects.~~

**Vetoed
in Part**

~~SECTION 688d. 31.03 of the statutes is created to read:~~

~~31.03 Permits for the lower Wisconsin state riverway. For activities in the lower Wisconsin state riverway, as defined in 30.40 (15), no person obtaining a permit under this chapter may start or engage in the activity for which the permit was issued unless the person obtains any permit that is required for the activity under s. 30.44 or 30.445.~~

~~SECTION 688e. 31.19 (1) (intro.) of the statutes is amended to read:~~

~~31.19 (1) DETERMINATION OF DAM SIZE. (intro.) For the purposes of this section and s. 31.20, a dam is considered to be a large dam if:~~

~~SECTION 688f. 31.20 of the statutes is repealed.~~

SECTION 688g. 31.305 of the statutes is created to read:

31.305 Dams in the lower Wisconsin state riverway. No dam may be constructed in the lower Wisconsin river as defined in s. 30.40 (14).

SECTION 688h. 31.33 (1) of the statutes is amended to read:

31.33 (1) DAMS HERETOFORE OR HEREAFTER CONSTRUCTED; ACTION FOR DAMAGES. All mills and milldams lawfully erected or constructed, on streams not navigable at the time, under chapter 48, territorial laws of 1840, chapter 62, laws of 1857, ch. 56, R.S. 1858, ch. 146, R.S. 1878, ch. 146, R.S. 1898, ch. 146, 1911 stats., ch. 146, 1913 stats., or ch. 146, 1915 stats., or any special, private or local act, or under any other act whatsoever, ~~which that~~ are not now abandoned but are still in existence and use, and all dams heretofore or hereafter erected or constructed on streams not navigable in fact for any purpose ~~whatsoever~~, shall be subject to and regulated and controlled, so far as applicable, by ss. 31.02, 31.12, 31.18, 31.19, ~~31.20~~, 31.25, 31.26 and 196.665, except that ~~said those~~ sections ~~shall do~~ not prevent the owner of any land flooded or otherwise injured by any milldam from recovering by action at law, full compensation for all damages resulting to him ~~or her~~ in times past and that will result to him ~~or her~~ in the future in consequence of ~~such that~~ flooding and injury but no damages suffered more than 3 years before the commencement of ~~such the~~ action shall be recovered. The amount recovered ~~shall constitute~~ constitutes a first lien upon the milldam and upon the mill, if any, and ~~such the~~ lien may be enforced by execution sale of the property affected. In every such action the amount paid or secured to be paid under prior laws as damages shall be considered and proper allowance made therefor. The authority ~~hereby granted under this subsection to bring such the~~ action ~~shall not be construed as precluding does not preclude~~ the owner from proceeding under ch. 32. ~~Such~~ The owner may not exercise his ~~or her~~ option to bring ~~such the~~ action after condemnation proceedings have been commenced against his ~~or her~~ property under ch. 32.

SECTION 688i. 31.33 (2) of the statutes is amended to read:

31.33 (2) LICENSE. A license is ~~hereby~~ granted to each owner of any such milldam now in existence and use, and to each owner of any such milldam hereafter constructed, to maintain and use the same to operate mills or machinery, or for any other lawful private or public purpose, but subject, however, to the supervision of the department acting under ss. 31.02, 31.12, 31.18, 31.19, ~~31.20~~, 31.25, 31.26 and 196.665. The right created by ~~such the~~ license shall follow the title to the milldam and a conveyance of the latter shall transfer ~~such the~~ right to the grantee.

SECTION 688j. 31.33 (3) of the statutes is amended to read:

31.33 (3) INTERPRETATION. Whenever ss. 31.02, 31.12, 31.18, 31.19, ~~31.20~~, 31.25, 31.26 and 196.665 are applied to mills or milldams specified in sub. (1) every reference in any of them to a "permit" or to a "grantee" of a permit shall be regarded as referring respectively to a license granted by this section and to the owner of such a mill or milldam.

SECTION 688k. 31.385 of the statutes is created to read:

31.385 Dam maintenance, repair, modification, abandonment and removal; aid program. (1) The department shall develop and administer a financial assistance program for municipalities and public inland lake protection and rehabilitation districts for dam maintenance, repair, modification, abandonment and removal.

(2) The following standards shall apply to financial assistance under this section for dam maintenance, repair, modification, abandonment and removal:

(a) State financial assistance is limited to no more than 50% of the cost of a particular project involving dam maintenance, repair, modification, abandonment or removal and no more than \$200,000 of state financial assistance for a particular project.

(b) The department shall determine which projects shall receive funding priority, with highest priority given to projects that the department has ordered under this chapter.

(c) No financial assistance may be provided under this section for the maintenance, repair, modification, abandonment or removal of a dam unless at least one of the following applies:

1. The department conducts an investigation or inspection of the dam under this chapter within the 6-month period before financial assistance under this section is requested for the dam.

2. The municipality or public inland lake protection and rehabilitation district is under order by the department to maintain, repair, modify, abandon or remove a dam on the effective date of this subdivision [revisor inserts date].

(d) The financial assistance shall be paid from the appropriation under s. 20.866 (2) (tx).

(e) No financial assistance may be provided under this section before January 1, 1990.

(3) The department shall provide municipalities and public inland lake protection and rehabilitation districts with technical assistance in conducting dam maintenance, repair, modification, abandonment and removal. The department shall coordinate the financial assistance program under this section with other related state and federal programs.

SECTION 688L. 31.39 (1) of the statutes is amended to read:

31.39 (1) The department shall charge a permit or approval fee for carrying out its duties and responsibilities under ss. 31.02 to ~~31.185~~ and ~~31.33~~ to 31.38. The permit or approval fee shall accompany the per-

mit application or request for approval and shall be refunded if the permit is not granted.

SECTION 688Lg. 32.02 (1) of the statutes is amended to read:

32.02 (1) Any county, town, village, city, including villages and cities incorporated under general or special acts, school district, the department of health and social services, the department of corrections, the board of regents of the university of Wisconsin system, the building commission, a commission created by contract under s. 66.30, with the approval of the municipality in which condemnation is proposed, or any public board or commission, for any lawful purpose, but in the case of city and village boards or commissions approval of that action is required to be granted by the governing body. A mosquito control commission, created under s. 59.861, may not acquire property by condemnation.

SECTION 688m. 32.05 (2a) of the statutes is amended to read:

32.05 (2a) NEGOTIATION. Before making the jurisdictional offer provided in sub. (3), the condemnor shall attempt to negotiate personally with the owner or one of the owners or his or her representative of the property sought to be taken for the purchase of the same. In such negotiation the condemnor shall consider the owner's appraisal under sub. (2) (b) and may contract to pay the items of compensation enumerated in ss. 32.09 and 32.19 as may be applicable to the property in one or more instalments on such conditions as the condemnor and property owners may agree. Before attempting to negotiate under this paragraph, the condemnor shall provide the owner or his or her representative with copies of applicable pamphlets prepared under s. 32.26 (6). When negotiating under this subsection, the condemnor shall provide the owner or his or her representative with the names of at least 10 neighboring landowners to whom offers are being made, or a list of all offerees if less than 10 owners are affected, together with a map showing all property affected by the project. Upon request by an owner or his or her representative, the condemnor shall provide the name of the owner of any other property which may be taken for the project. The owner or his or her representative shall also have the right, upon request, to examine any maps in the possession of the condemnor showing property affected by the project. The owner or his or her representative may obtain copies of such maps by tendering the reasonable and necessary costs of preparing copies. The condemnor shall record any conveyance by or on behalf of the owner of the property to the condemnor executed as a result of negotiations under this subsection with the register of deeds of the county in which the property is located. ~~The condemnor shall also record a certificate of compensation stating conveyance shall state the identity of all persons having an interest of record in the property immediately prior to its conveyance, the legal description of the property, the nature of the interest acquired and the compensation for such~~

acquisition. The condemnor shall serve upon or mail by certified mail to all persons named therein a copy of the ~~statement~~ conveyance and a notice of the right to appeal the amount of compensation under this subsection. Any person named in the ~~certificate~~ conveyance may, within 6 months after the date of its recording, appeal from the amount of compensation therein stated in the manner set forth in subs. (9) to (12) and chs. 808 and 809 for appeals from an award under sub. (7). For purposes of any such appeal, the amount of compensation stated in the ~~certificate~~ conveyance shall be treated as the award and the date the conveyance is recorded shall be treated as the date of taking and the date of evaluation.

SECTION 689g. 34.045 (1m) of the statutes is created to read:

34.045 (1m) Subsection (1) (a) and (e) does not apply to the funds appropriated under s. 20.143 (1) (fm) that are ~~required to be~~ deposited as provided in s. 34.05 (4). **Vetoed in Part**

SECTION 689j. 34.05 (1) of the statutes is amended to read:

34.05 (1) ~~The~~ Except as provided in sub. (4), the governing board of each public depositor shall, by resolution, designate one or more public depositories, organized and doing business under the laws of this state or federal law and located in this state, in which the treasurer of the governing board shall deposit all public moneys received by him or her and specify whether the moneys shall be maintained in time deposits subject to the limitations of s. 66.04 (2), demand deposits or savings deposits and whether a surety bond or other security shall be required to be furnished under s. 34.07 by the public depository to secure the repayment of such deposits. A designation of a public depository by the governing board shall be a designation of the public depository for all treasurers of the governing board and for all public depositors for which each treasurer shall act.

SECTION 689m. 34.05 (4) of the statutes is created to read:

34.05 (4) ~~The~~ moneys from the appropriation under s. 20.143 (1) (fm) shall be deposited in a public depository located in this state that is at least 51% owned by a minority group member or minority group members, as defined in s. 560.036 (1) (f). **Vetoed in Part**

SECTION 690. 35.015 (3) of the statutes is amended to read:

35.015 (3) Printing is exempt from this chapter when the department exercises the discretion vested in s. 16.82 (4) to determine what printing shall be done by the state itself and what shall be contracted and when printing of forms is done by prison industries, as created under s. ~~56.01~~ 303.01 (1).

SECTION 690L. 35.24 (2) of the statutes is amended to read:

35.24 (2) The Blue Book shall be ~~cloth-bound~~ case-bound in hard covers and shall have a blue spine.

SECTION 690m. 35.24 (3) of the statutes is amended to read:

35.24 (3) Reprints of the feature article shall be bound in paper covers and shall be in such quantity as is authorized for each specific reprint by the joint committee on finance on the basis of funds allotted by the ~~committee for this purpose~~ legislative organization. The cost of reprints shall be paid from the appropriation under s. 20.765 (1) (d).

SECTION 691. 35.84 (figure) column A line 42 of the statutes is amended to read:

35.84 (figure) Column A Statutes (hard covers)
42. Department of Justice 30 10

SECTION 692. 35.84 (figure) column B line 42 of the statutes is amended to read:

35.84 (figure) Column B Statutes (soft covers)
42. Department of Justice 400 180

SECTION 693. 35.84 (figure) column B line 43 of the statutes is amended to read:

35.84 (figure) Column B Statutes (soft covers)
43. Public Defender Board 480 230

SECTION 693h. 35.84 (figure) column B line 79 of the statutes is created to read:

35.84 (figure) Column B Statutes (soft covers)
79. Each register of deeds 1

SECTION 693i. 35.84 (figure) column B line 80 of the statutes is created to read:

35.84 (figure) Column B Statutes (soft covers)
80. Each coroner or medical examiner 1

SECTION 693j. 35.84 (figure) column B line 81 of the statutes is created to read:

35.84 (figure) Column B Statutes (soft covers)
81. Each county treasurer 1

SECTION 693k. 35.84 (figure) column B line 82 of the statutes is created to read:

35.84 (figure) Column B Statutes (soft covers)
82. Each county surveyor 1

SECTION 693L. 35.84 (figure) column B line 83 of the statutes is created to read:

35.84 (figure) Column B Statutes (soft covers)
83. Each county human services or social services department director 1

SECTION 693m. 35.84 (figure) column B line 84 of the statutes is created to read:

35.84 (figure) Column B Statutes (soft covers)
84. Each county veterans' service officer 1

SECTION 694. 35.84 (figure) column C line 43 of the statutes is amended to read:

35.84 (figure) Column C Annotations
43. Public Defender Board 32 37

SECTION 695. 35.84 (figure) column D line 42 of the statutes is amended to read:

35.84 (figure) Column D Bound Session Laws
42. Department of Justice 20 15

SECTION 696. 35.84 (figure) column D line 43 of the statutes is amended to read:

35.84 (figure) Column D Bound Session Laws
43. Public Defender Board 32 37

SECTION 697. 35.84 (figure) column F line 42 of the statutes is amended to read:

35.84 (figure) Column F Administrative Code and Register

42. Department of Justice 44 12

SECTION 698. 35.84 (figure) column H line 42 of the statutes is amended to read:

35.84 (figure) Column H Biennial Reports
42. Department of Justice 0 1

SECTION 699. 35.84 (figure) column J line 42 of the statutes is amended to read:

35.84 (figure) Column J Opinions of Attorney General

42. Department of Justice 90 50

SECTION 700. 35.84 (figure) column J line 43 of the statutes is amended to read:

35.84 (figure) Column J Opinions of Attorney General

43. Public Defender Board 32 37

SECTION 701. 35.84 (figure) column K line 43 of the statutes is amended to read:

35.84 (figure) Column K Supreme Court Reports
43. Public Defender Board 32 37

SECTION 702. 35.84 (figure) line 70 of the statutes is renumbered 35.84 (figure) line 44.

SECTION 703. 35.90 of the statutes is amended to read:

35.90 Inventories by other state officers. Every state officer, other than a district attorney, maintaining a permanent office at the city of Madison, shall make and file annually with the department an inventory of all public printing of the 2nd and 3rd classes and all maps and charts on hand for distribution on July 1. ~~Said~~ The department shall require the return to it of all such printing as has become, in its opinion, of no further use to the office reporting the same. The department may suspend requisitions for public printing by departments which fail to submit inventories in compliance with this section.

SECTION 703m. 36.05 (1) of the statutes is amended to read:

36.05 (1) "Academic staff" means professional and administrative personnel ~~other than faculty~~ with duties, and subject to types of appointments, that are primarily associated with higher education institutions or their administration, but does not include faculty and staff provided under s. 16.57.

SECTION 703ms. 36.05 (8) of the statutes is amended to read:

36.05 (8) "Faculty" means persons who hold the rank of professor, associate professor, assistant professor or instructor in an academic department or its

functional equivalent in an institution, persons described under s. 36.13 (4) (c) and such academic staff as may be designated by the chancellor and faculty of the institution.

SECTION 703r. 36.09 (1) (e) of the statutes is amended to read:

36.09 (1) (e) The board shall appoint a president of the system; a chancellor for each institution; a dean for each center; the state geologist; the director of the laboratory of hygiene; the director of the psychiatric institute; a the state cartographer with the advice of the land information board; and the requisite number of officers, other than the vice presidents, associate vice presidents and assistant vice presidents of the system; faculty; academic staff and other employees and fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4) and (5) and 230.12 (3) (e), the duties and the term of office for each. The board shall fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4) and (5) and 230.12 (3) (e), and the duties for each chancellor, vice president, associate vice president and assistant vice president of the system. No sectarian or partisan tests or any tests based upon race, religion, national origin or sex shall ever be allowed or exercised in the appointment of the employees of the system.

SECTION 704. 36.09 (1) (i) of the statutes is amended to read:

36.09 (1) (i) ~~The board and the personnel commission, upon~~ Upon recommendation of the president and the administrator of the division of merit recruitment and selection in the department of employment relations, ~~the board and the secretary of employment relations shall jointly adopt general policies governing the designation of positions to be exempt from the classified service as academic staff as defined in s. 36.15 (1) (a) and (b). No position in the classified service may be designated as an academic staff position under the general policies unless the secretary of employment relations approves the designation.~~

~~SECTION 704b. 36.09 (1) (j) of the statutes, as affected by 1987 Wisconsin Act 4, section 22m, and 1987 Wisconsin Act 348, section 5, is amended to read:~~

Vetoed
in Part

~~36.09 (1) (j) Except where such matters are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91, the board shall establish salaries for persons not in the classified staff prior to July 1 of each year for the next fiscal year, and shall designate the effective dates for payment of the new salaries. In the first year of the fiscal biennium, payments of the salaries established for the preceding year shall be continued until the last biennial budget bill act is enacted. If the last biennial budget act is enacted after July 1, payments shall be made following enactment of the last budget act to satisfy the obligations incurred on the effective dates, as designated by the board, for the new salaries, subject only to the appropriation of funds by the legislature and s. 20.928 (3). This paragraph does not limit the authority of the~~

~~board to establish salaries for new appointments. The board may not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and 230.08 (2) (d) under this paragraph unless the salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct salary inequities under par. (h), to fund job reclassifications or promotions, or to recognize competitive factors. The board may not increase the salary of the chancellor of the university of Wisconsin-Madison or the university of Wisconsin-Milwaukee or any chancellor identified in s. 20.923 (4m) under this paragraph unless the salary increase conforms to the compensation plan for executive salary group positions as approved under 230.12 (3) (b) or the board authorizes the salary increase to correct a salary inequity or to recognize competitive factors. The granting of salary increases to recognize competitive factors does not obligate inclusion of the annualized amount of the increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each year, the board shall report to the joint committee on finance and the departments of administration and employment relations concerning the amounts of any salary increases granted to recognize competitive factors, and the institutions at which they are granted, for the 12-month period ending on the preceding June 30. This paragraph does not apply after June 30, 1993.~~

Vetoed
in Part

~~SECTION 704bm. 36.09 (1) (j) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:~~

~~36.09 (1) (j) Except where such matters are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91, the board shall establish salaries for persons not in the classified staff prior to July 1 of each year for the next fiscal year, and shall designate the effective dates for payment of the new salaries. In the first year of the fiscal biennium, payments of the salaries established for the preceding year shall be continued until the last biennial budget act is enacted. If the last biennial budget act is enacted after July 1, payments shall be made following enactment of the last budget act to satisfy the obligations incurred on the effective dates, as designated by the board, for the new salaries, subject only to the appropriation of funds by the legislature and s. 20.928 (3). This paragraph does not limit the authority of the board to establish salaries for new appointments. The board may not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and 230.08 (2) (d) under this paragraph unless the salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct salary inequities under par. (h), to fund job reclassifications or promotions, or to recognize competitive factors. The board may not increase the salary of the chancellor of the university of Wisconsin-Madison or the university of Wisconsin-Milwaukee or any chancellor identified in s. 20.923 (4m) under this paragraph.~~

Vetoed
in Part

~~unless the salary increase conforms to the compensation plan for executive salary group positions as approved under 238.12 (3) (b) or the board authorizes the salary increase to correct a salary inequity or to recognize competitive factors. The granting of salary increases to recognize competitive factors does not obligate inclusion of the annualized amount of the increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each year, the board shall report to the joint committee on finance and the department of administration and employment relations concerning the amounts of any salary increases granted to recognize competitive factors, and the institutions at which they are granted, for the 12-month period ending on the preceding June 30. This paragraph does not apply after June 30, 1993.~~

SECTION 704c. 36.09 (1) (k) 2. b of the statutes is amended to read:

36.09 (1) (k) 2. b. Establish and maintain pay ranges, each of which has a minimum and a maximum rate of pay and, using the job evaluation system developed by the secretary of employment relations, assign the job categories established under subd. 2. a to those pay ranges. This subd. 2. b does not apply to appointments under s. 36.13 (4).

SECTION 704d. 36.11 (2) of the statutes is amended to read:

36.11 (2). POLICE AUTHORITY. (a) The board shall have concurrent police power, with other authorized peace officers, over all property subject to its jurisdiction, and all property contiguous to such property at the university of Wisconsin-Parkside if owned by a nonprofit corporation the primary purpose of which, as determined by the board, is to benefit the system. Such concurrent police authority shall not be construed to reduce or lessen the authority of the police power of the community or communities in which a campus may be located. All campus police officers shall cooperate with and be responsive to the local police authorities as they meet and exercise their statutory responsibilities. The designated agents of the board may arrest, with or without warrant, any person on such property who they have reasonable grounds to believe has violated a state law or any rule promulgated under this chapter and deliver such person to any court having jurisdiction over the violation and execute a complaint charging such person with the violation. This subsection does not impair the duty of any other peace officers within their jurisdictions to arrest and take before the proper court persons found violating any state law on such property under the jurisdiction of the board.

(b) The board may employ police for the institutions and chiefs to head such police, or contract for police, all of whom shall be deemed peace officers under s. 939.22 (22) under the supervision and control of the appropriate chancellor or the chancellor's des-

igne. Such police officers shall meet the minimum standards established for other police officers by the law enforcement standards board or a comparable agency. Such police shall preserve the peace on all property under the board's jurisdiction described under par. (a), enforce all rules promulgated under this chapter and all other laws, and for that purpose the chancellor or the chancellor's designee may call for aid from such other persons as is deemed necessary.

~~SECTION 704g. 36.11 (3) (e) of the statutes is created to read:~~

~~36.11 (3) (e). The board may reimburse the actual, reasonable and necessary travel expenses incurred by potential applicants who are being recruited for admission to any graduate school within the system.~~

SECTION 704w. 36.11 (23) of the statutes is created to read:

36.11 (23) BOARD STAFF. The board shall provide office space, furnishings and supplies for the staff provided by the department of administration under s. 16.57.

SECTION 704wm. 36.13 (4) (c) of the statutes is created to read:

36.13 (4) (c) Any person described under par. (a) or (b) who held a faculty appointment prior to July 10, 1974, shall be treated as a faculty member with the rank of associate professor for all purposes.

SECTION 704x. 36.14 (4) of the statutes is created to read:

36.14 (4) The board shall ensure that at least 3 of the professors awarded distinguished professorships under this section after the effective date of this subsection [revisor inserts date], are not employed by the board when they are awarded the professorships.

SECTION 705. 36.15 (2) of the statutes is amended to read:

36.15 (2) APPOINTMENTS. Appointments under this section shall be made by the board, or by an appropriate official authorized by the board, under policies and procedures established by the board and subject to s. 36.09 (1) (i). The policies for indefinite appointments shall provide for a probationary period, permanent status and such other conditions of appointment as the board establishes.

SECTION 705g. 36.25 (3m) of the statutes is created to read:

36.25 (3m) SOLID WASTE EXPERIMENT CENTERS. (a) In this subsection, "solid waste disposal" has the meaning given in s. 144.43 (4r).

(b) The board may establish one or more solid waste experiment centers for the purpose of developing, demonstrating, promoting and assessing the costs and environmental effects of alternatives to solid waste disposal. The board shall determine the location of the solid waste experiment centers. In making the determination, the board shall consider the solid waste disposal needs of the various regions of the state. The board may establish, through cooperative

Vetoed
in Part

agreements, solid waste experiment centers at existing publicly owned or privately owned storage, treatment or disposal facilities.

(c) The board shall conduct research into alternatives to solid waste disposal, including the reuse and recycling of materials, composting, source separation and the disposal of household hazardous wastes. Research conducted under this paragraph shall include technologies suitable for application to waste streams of less than 50 tons of solid waste per day and shall consider the environmental effects of the technologies being researched and measures which could be taken to mitigate such effects. Research conducted under this paragraph shall be designed for the benefit of all public and private entities responsible for the collection, storage, transportation, treatment or disposal of solid waste and all persons who generate solid waste.

Vetoed
in Part

(d) The board shall appoint a solid waste research council under s. 15.04 (1) (c) consisting of the president of the board or his or her designee, the secretary of natural resources or his or her designee, the secretary of agriculture, trade and consumer protection or his or her designee, 2 faculty or academic staff members with expertise in alternatives to solid waste disposal, 3 representatives of local units of government and one representative of the solid waste industry. Of the 3 representatives of local units of government, at least one shall be from the territory north and at least one shall be from the territory south of a line running east and west through the southern limits of the city of Stevens Point, and one shall be from a county with a population less than 50,000, one shall be from a county with a population of at least 50,000 but not more than 100,000 and one shall be from a county with a population greater than 100,000. The council shall advise the board regarding the location and operation of solid waste experiment centers under par. (b), priorities for solid waste research under par. (c) and any other functions of the board under this subsection.

(e) Annually, the board shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3) on all activities undertaken under this subsection.

SECTION 705k. 36.25 (12m) (intro.) of the statutes is amended to read:

36.25 (12m) STATE CARTOGRAPHER. (intro.) The In coordination and consultation with the land information board, the state cartographer shall:

SECTION 705m. 36.25 (14) of the statutes is amended to read:

36.25 (14) ADVANCED OPPORTUNITY PROGRAM. The board shall establish a grant program for minority and disadvantaged graduate students enrolled in the system. The grants shall be awarded from the appropriation under s. 20.285 (4) (4) (b). The board shall give preference in awarding grants under this subsection

to residents of this state. The board may not make a grant under this subsection to a person if it receives a certification under s. 46.255 (7) that the person is delinquent in child support or maintenance payments.

SECTION 706. 36.25 (16) (a) (intro.) of the statutes is amended to read:

36.25 (16) (a) (intro.) In this subsection, "minority undergraduate" student" means ~~an undergraduate~~ a student who:

SECTION 707. 36.25 (16) (b) of the statutes is renumbered 36.25 (16) (b) (intro.) and amended to read:

36.25 (16) (b) (intro.) The board shall establish a loan program for minority undergraduate students who ~~are~~ meet all of the following requirements:

1. Are registered as juniors or seniors, who are or hold a bachelor's degree and are registered as special students.

2. Are enrolled in programs of study leading to licensure as a teacher certification, who meet and are not currently licensed as teachers.

3. Meet academic criteria specified by the board and who agree.

4. Agree to teach school in a school district organized under ch. 119 in which minority students constitute at least 29% of the membership or in a school district participating in the interdistrict transfer program under s. 121.85 for the first 4 years after graduation. The loans shall be awarded from the appropriation under s. 20.285 (1) (de) licensure as a teacher. In this subdivision, "membership" has the meaning given in s. 121.004 (5).

SECTION 708. 36.25 (16) (c) of the statutes is amended to read:

36.25 (16) (c) Loans under par. (b) shall be made from the appropriation under s. 20.285 (4) (dc). The board shall forgive 25% of the loan and 25% of the interest on the loan for each school year the recipient teaches school in a school district organized under ch. 119 described under par. (b) 4 during the first 4 years after graduation licensure as a teacher.

SECTION 709d. 36.25 (18) of the statutes is amended to read:

36.25 (18) (title) SCHOOL OF VETERINARY MEDICINE. The board shall establish and maintain a school of veterinary medicine at the university of Wisconsin-Madison ~~and a satellite food animal clinical facility at the university of Wisconsin-River Falls.~~ Existing facilities at those institutions shall be used to the maximum possible extent for auxiliary instructional and research support of the veterinary ~~and satellite food animal clinical programs~~ program. The school of veterinary medicine at the university of Wisconsin-Madison shall enroll its first class of students in the fall of 1983.

SECTION 709f. 36.25 (23m) of the statutes is created to read:

36.25 (23m) WILDER CRANE PROFESSORSHIP OF GOVERNMENT. The board shall establish the Wilder Crane professorship of government at the university of Wisconsin-Milwaukee department of political science.

SECTION 709h. 36.25 (25) (c) of the statutes is created to read:

36.25 (25) (c) Annually by November 1, the board shall submit a report to the joint committee on finance specifying the projects funded under this subsection in the previous fiscal year, the duration of the funded projects and the relationship of the funded projects to this state's economy.

SECTION 709k. 36.25 (27) of the statutes is created to read:

36.25 (27) INTEGRATED AGRICULTURE PROGRAM. The board shall establish an integrated agriculture program and shall report to the joint committee on finance on the progress of the program annually by November 1.

SECTION 709m. 36.25 (28) of the statutes is created to read:

36.25 (28) SCHOOLS OF BUSINESS. The board shall use the funds in the appropriations under s. 20.285 (1) (em) and (Ls) to support improvements in master's level business programs. The board may spend funds in those appropriations only if it receives matching funds for the same purpose from private contributions.

SECTION 709n. 36.25 (29) of the statutes is created to read:

Vetoed
in Part

36.25 (29) ENVIRONMENTAL EDUCATION. The board shall seek the advice of and consult with the environmental education coordinating council on the development of environmental education programs.

SECTION 709p. 36.27 (1) of the statutes is renumbered 36.27 (1) (a) and amended to read:

Vetoed
in Part

36.27 (1) (a) The Subject to pars. (b) and (c), the board may establish for different classes of students differing tuition and fees incidental to enrollment in educational programs or use of facilities in the system. Except as otherwise provided in this section, the board may charge any student who is not exempted by this section a nonresident tuition. The board may establish special rates of tuition and fees for the extension and summer sessions and such other studies or courses of instruction as the board deems advisable.

SECTION 709r. 36.27 (1) (b) of the statutes is created to read:

Vetoed
in Part

36.27 (1) (b) The board shall establish a tuition schedule beginning in the fall semester of 1990 that provides for all of the following:

1. A registration fee that is identical for all undergraduate students.
2. A per-credit fee for undergraduate students registered for fewer than 12 credits.
3. A per-credit fee for credits taken in addition to the number of credits specified under subd. 2. The fee

established under this subdivision shall be lower than the fee established under subd. 2.

Vetoed
in Part

SECTION 709rm. 36.27 (1) (c) of the statutes is created to read:

36.27 (1) (c) The board may not charge a student registered as a master's level business school student prior to the first semester of the 1989-90 academic year higher fees than other graduate students at the same institution.

SECTION 709s. 36.27 (2) (a) 3 of the statutes is amended to read:

36.27 (2) (a) 3. Any minor student, or adult student who is a dependent of his or her parents or guardian under 26 USC 152 (a), whose natural parents are divorced or legally separated who has resided substantially in this state during the years of minority and, if one or both of the student's parents have been bona fide residents of this state for at least 12 months next preceding the beginning of any semester or session for which such the student registers at a university or center.

SECTION 709t. 36.27 (2) (cm) of the statutes is amended to read:

Vetoed
in Part

36.27 (2) (cm) Any person continuously employed full time by a private business located in this state, who was relocated to this state for business purposes by his or her current employer or who moved to this state for business employment purposes and accepted his or her current employment before applying for admission to an institution or center and before moving, and the spouse and dependents of any such person, are entitled to the exemption under par. (a) if the student demonstrates an intent to establish and maintain a permanent home in Wisconsin according to the criteria under par. (e). In this paragraph, "dependents" has the meaning given in 26 USC 152 (a).

SECTION 710. 36.27 (4) of the statutes is renumbered 36.27 (4) (intro.) and amended to read:

36.27 (4) TUITION AWARD PROGRAM. (intro.) In the 1988-89 1989-90 and 1990-91 academic year years, the board may annually exempt from nonresident tuition, but not from incidental or other fees, up:

(a) Up to 200 students enrolled at the university of Wisconsin-Parkside as juniors or seniors in programs identified by that institution as having surplus capacity.

SECTION 711. 36.29 (1) of the statutes is amended to read:

36.29 (1) All gifts, grants, and bequests and devises for the benefit or advantage of the system or any of its institutions, departments or facilities or to provide any means of instruction, illustration or knowledge in connection therewith, whether made to trustees or otherwise, shall be valid notwithstanding any other provision of this chapter except sub. subs. (5) and (6) and shall be executed and enforced according to the provisions of the instrument making the same, including all provisions and directions in any such instru-

ment for accumulation of the income of any fund or rents and profits of any real estate without being subject to the limitations and restrictions provided by law in other cases; but no such income accumulation shall be allowed to produce a fund more than 20 times as great as that originally given. When such gifts, grants, or bequests ~~or devises~~ include common stocks or other investments which are not authorized by ch. 881, the board may continue to hold such common stocks or other investments and exchange, invest or reinvest the funds of such gift, grant, ~~or bequest or devise~~ in similar types of investments without being subject to the limitations and restrictions provided by law in other cases. No such investment shall knowingly be made in any company, corporation, subsidiary or affiliate which practices or condones through its actions discrimination on the basis of race, religion, color, creed or sex. Except as otherwise provided in this section, the board may invest not to exceed 75% of trust funds held and administered by ~~them~~ the board in common stocks, the limitation of 50% in s. 881.01 (2) to the contrary notwithstanding.

SECTION 712. 36.29 (6) of the statutes is created to read:

36.29 (6) The board may not accept any gift, grant or bequest of real property with a value in excess of \$30,000 except as provided in s. 13.48 (2) (b) 1m.

SECTION 712g. 36.34 (1) (b) of the statutes is amended to read:

36.34 (1) (b) The board shall establish a grant program for minority undergraduates enrolled in the system. The board shall designate all grants under this subsection as Lawton grants. Grants shall be awarded from the appropriation under s. 20.285 ~~(+)~~ (4) (dd). The board may not make a grant under this subsection to a person if it receives a certification under s. 46.255 (7) that the person is delinquent in child support or maintenance payments. By March 1, 1988, and annually thereafter by March 1, the board shall submit to the joint committee on finance an evaluation of the program for each student class level and for each institution.

SECTION 712j. 36.34 (2) (am) of the statutes is amended to read:

36.34 (2) (am) The board shall establish a pilot minority student tuition award program for minority pupils who meet academic criteria specified by the board, who need financial assistance and who are enrolled in high schools selected by the board. The board may select a high school only if it has an enrollment of at least 50% minority pupils. The board shall select at least 3 high schools in school districts organized under ch. 119. Awards shall be made from the appropriation under s. 20.285 ~~(+)~~ (4) (de).

SECTION 712m. 36.38 of the statutes is created to read:

36.38 Athletic board. The chancellor of the university of Wisconsin-Madison shall establish a 15-member athletic board, consistent with the rules of the

intercollegiate athletic conferences in which the system participates, that is responsible for intercollegiate athletics at the university of Wisconsin-Madison. The athletic board shall include the dean of the school of business at the university of Wisconsin-Madison, or his or her designee, and the president of the university of Wisconsin foundation.

SECTION 713. 36.42 (2) of the statutes is amended to read:

36.42 (2) If the loan recipient accepts a faculty or instructional academic staff position in the system within 6 9 months after receiving his or her doctoral degree, the board shall forgive the loan at the rate of 25% of the total amount borrowed plus accrued interest for each year of such employment, up to 4 years.

SECTION 713b. 36.42 (3) of the statutes is amended to read:

36.42 (3) Loans shall be made from the appropriations under s. 20.285 (1) ~~(em)~~ (jL) and (4) (cm).

SECTION 713c. 36.44 of the statutes is created to read:

36.44 License plate scholarship programs. (1) The board shall establish a scholarship program at each of the institutions specified in s. 341.14 (6r) (f) 35 to 47. The program at each institution shall be funded by the fees collected under s. 341.14 (6r) (b) 4 for that institution and the scholarships shall be awarded by the chancellor of each institution according to criteria developed by the chancellor.

(2) Notwithstanding sub. (1), the board shall use the fees collected under s. 341.14 (6r) (b) 4 for the university of Wisconsin-Madison scholarship program to provide funds for the university of Wisconsin-Madison division of intercollegiate athletics. When the board determines that the division's deficit has been eliminated, the board shall use such fees as provided under sub. (1).

SECTION 713em. 36.45 of the statutes is created to read:

36.45 Physician loan assistance program. (1) DEFINITIONS. In this section:

(a) "Medical shortage area" means a county, or a service area established under sub. (7), in which the ratio of the population to the number of primary care physicians is more than 2,500 to one, or an area that is in a health manpower shortage area as determined by the federal department of health and human services under 42 USC 254e.

(b) "Office" means the office of rural health of the department of professional and community development of the university of Wisconsin hospital and clinics.

(c) "Primary care" means family practice, general internal medicine and pediatrics.

(2) EXEMPTION. The office may repay, on behalf of a physician, up to \$50,000 in educational loans obtained by the physician from a public or private lending institution for education in an accredited

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school of medicine or for postgraduate medical training.

(3) AGREEMENT. (a) The office shall enter into a written agreement with the physician. In the agreement, the physician shall agree to practice primary care in this state exclusively in a medical shortage area, a state or federal prison or an area health education center program established under 42 USC 295g-1 or on an Indian reservation or trust lands of an Indian tribe. The physician shall also agree to care for patients who are insured or for whom health benefits are payable under medicare, medical assistance or any other governmental program.

(b) The agreement shall specify that the responsibility of the office to make the payments under the agreement is subject to the availability of funds in the appropriations under s. 20.285 (1) (fb) and (js).

(4) LOAN REPAYMENT. Loans may be repaid by the office at the following rate:

(a) Ten percent of the principal of the loan or \$5,000, whichever is less, during the first year of practice.

(b) An additional 12.5% of the principal of the loan or \$6,250, whichever is less, during the 2nd year of practice.

(c) An additional 15% of the principal of the loan or \$7,500, whichever is less, during the 3rd year of practice.

(d) An additional 20% of the principal of the loan or \$10,000, whichever is less, during the 4th year of practice.

(e) An additional 42.5% of the principal of the loan or \$21,250, whichever is less, during the 5th year of practice.

(5) AVAILABILITY OF FUNDS, RIGHT OF ACTION AGAINST STATE. (a) The obligation of the office to make payments under an agreement entered into under sub. (3) (b) is subject to the availability of funds in the appropriations under s. 20.285 (1) (fb) and (js).

(b) If the cost of repaying the loans of all eligible applicants, when added to the cost of loan repayments scheduled under existing agreements, would exceed the total amount in the appropriations under s. 20.285 (1) (fb) and (js), the office shall give priority in entering into new agreements to all of the following:

1. Physicians who resided in a medical shortage area prior to attending a college, university or medical school.

2. Physicians who practice exclusively in cities, villages or towns with a per capita income of less than 75% of the statewide median per capita income.

3. Physicians practicing or who agree to practice exclusively in a county, city, village or town for which financial support has been offered or provided under sub. (6).

4. Physicians practicing or who agree to practice in communities with an extremely high need for medical care, as determined by the office.

(c) The office may also enter into agreements with physicians who practice psychiatry, or obstetrics and gynecology, if the office determines that there is an unmet need for those services in a medical shortage area or on an Indian reservation or trust lands of an Indian tribe and the physician agrees to practice primarily in the medical shortage area or on an Indian reservation or trust lands.

(d) An agreement under sub. (3) (b) does not create a right of action against the state on the part of the physician or the lending institution for failure to make the payments specified in the agreement.

(6) LOCAL PARTICIPATION. The office shall encourage contributions to the program under this section by counties, cities, villages and towns. Funds received under this subsection shall be deposited in the appropriation under s. 20.285 (1) (js).

(7) SERVICE AREAS. With the approval of the council on physician loans, the office may establish service areas for the purpose of sub. (1) (a).

SECTION 713d. 36.48 of the statutes is created to read:

36.48 Alcohol and other drug abuse prevention and intervention programs. The board shall appoint alcohol and other drug abuse prevention and intervention program counselors for the university of Wisconsin-Madison and the university of Wisconsin-Milwaukee. The counselors shall develop alcohol and other drug abuse prevention and intervention programs and train faculty, academic staff and classified staff in the prevention of and early intervention in alcohol and other drug abuse.

SECTION 713e. 36.50 (15) of the statutes is created to read:

36.50 (15) APPLICABILITY. This section does not apply after June 30, 1991.

SECTION 715. 38.04 (8) of the statutes is created to read:

38.04 (8) MINORITY STUDENT RETENTION GRANTS. (a) In this subsection, "minority group member" has the meaning given in s. 560.036 (1) (f).

(b) From the appropriation under s. 20.292 (1) (c), the board shall:

1. Beginning in the 1990-91 school year, annually award grants to applying district boards to cover the costs incurred by the district boards for counseling and tutoring services for students who are minority group members. The district board shall use the grant to supplement and not to replace funds otherwise available for counseling and tutoring services. If a district in which the number of minority students enrolled constitutes 15% or more of the total enrollment receives a grant under this subdivision, the district board shall use the grant for the placement and retention of minority students in technical education programs with high earning potential. No grant under this subdivision may equal more than 50% of approved expenditures.

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in Part

2. Beginning in the 1989-90 school year, annually award a grant to a district board operating a collegiate transfer program that prepares its graduates for admission to a teacher education program at an institution within the university of Wisconsin system to provide internships for minority group members enrolled in the program. The amount of the grant under this subdivision shall be \$52,800 in the 1989-90 school year and \$52,800 in the 1990-91 school year.

3. Beginning in the 1990-91 school year, annually award a grant to a district board of a district that contains a 1st class city to fund a pilot program that combines basic skills programs with occupational training programs. The amount of the grant under this subdivision shall be \$47,200 in the 1990-91 school year.

SECTION 715m. 38.04 (10) (c) of the statutes is created to read:

38.04 (10) (c) The board shall review and approve, disapprove or modify any proposal by a district board to lease facilities or property to others under s. 38.14 (2) (d).

SECTION 716. 38.04 (12) of the statutes is amended to read:

38.04 (12) PRISON INMATE EDUCATIONAL PROGRAM. The board may establish vocational educational programs for inmates within the state correctional system and contract with the department of ~~health and social services~~ corrections for reimbursement of that portion of the district program costs which exceeds amounts received as state and federal aid.

SECTION 716d. 38.04 (13) (a) 3 of the statutes is created to read:

38.04 (13) (a) 3. If the board determines that a district board or local community organization awarded a grant under subd. 1 will not fully expend the grant before the end of a fiscal year, the board may reduce the amount of the grant awarded to the district board or local community organization and award the funds to another applicant.

SECTION 717m. 38.08 (1) (a) 1 of the statutes is amended to read:

38.08 (1) (a) 1. A district board shall administer the district and shall be composed of 9 members who are residents of the district, including 3 2 employers, 3 2 employees, 2 3 additional members and, a school district administrator, as defined under s. 115.001 (8), and one elected official who holds a state or local office, as defined in s. 5.02, except for the office of party committeeman or party committeewoman. The board shall by rule define "employer" and "employee" for the purpose of this subdivision.

SECTION 718g. 38.08 (1) (a) 2 of the statutes is amended to read:

38.08 (1) (a) 2. The employer and employee members of the district board shall be representative of the various businesses and industries in the district. The school district administrator shall be employed by the school board of a school district located in the district. ~~At least 2 of the members of the district board shall be~~

~~elected officials who hold a state or local office, as defined in s. 5.02, except for the office of party committeeman or party committeewoman~~ Of the 3 additional members, no more than 2 may be employers, no more than 2 may be employees, no more than 3 may be school district administrators and no more than 3 may be elected officials. No 2 members of the district board may be officials of the same governmental unit nor may any district board member be a member of the school board that employs the school district administrator member.

SECTION 718r. 38.08 (1g) of the statutes is created to read:

38.08 (1g) The appointment committee for a district board that governs a district encompassing a 1st class city shall include 4 additional members designated by the board of school directors in charge of the public schools of the 1st class city. The additional members shall be appointed so as to reflect, to the extent possible, the distribution of women and minorities within the 1st class city.

SECTION 719g. 38.10 (2) (c) of the statutes is amended to read:

38.10 (2) (c) At the meeting and prior to the appointment of district board members, the appointment committee shall formulate a plan of representation for the membership of the district board. The plan shall give equal consideration to the general population distribution within the district and the distribution of women and minorities within the district. The plan of representation for the membership of the district board that governs a district encompassing a 1st class city shall also give equal consideration to the distribution of minorities within the 1st class city. The plan shall form the basis upon which membership of the district board is determined. The board shall review district board appointments to determine whether they comply with the provisions of the plan and the requirements of s. 38.08 (1) (a).

SECTION 719r. 38.10 (2) (d) 3 of the statutes is amended to read:

38.10 (2) (d) 3. Notwithstanding s. 19.84 (3), the appointment committee shall publish a notice of any meeting or public hearing at which the appointment committee will consider the filling of any vacancy on the district board or any other matter pertaining to the appointment of district board members at least 14 days before the meeting or public hearing. The subject matter of the meeting or public hearing as specified in the notice shall contain the names of individuals being considered for appointment. Prior to the meeting at which an appointment is made, the appointment committee shall hold a public hearing at which the names and qualifications of individuals being considered for appointment to the district board shall be discussed. No person may be appointed to a district board by an appointment committee unless his or her name appeared in at least one notice of a public hearing or meeting of the committee and he or she provided ref-

erences to the committee, was interviewed by the committee and attended the public hearing at which his or her appointment to the district board was discussed.

SECTION 719y. 38.14 (2) (d) of the statutes is created to read:

38.14 (2) (d) With the approval of the board under s. 38.04 (10) (c), the district board may:

1. Lease facilities to others for school purposes. The district board may not enter into a lease under this subdivision after June 30, 1991.

2. Lease land to others for the construction of a building for school purposes if any future acquisition of the building by the district board will not expose the district board to an expenditure exceeding \$500,000, excluding moneys received from gifts, grants or federal funds. The district board may not enter into a lease under this subdivision after June 30, 1991.

SECTION 720m. 38.14 (3) (a) of the statutes is amended to read:

38.14 (3) (a) The district board may enter into contracts to provide educational services to public and private educational institutions, federal and state agencies, local governmental bodies, industries and businesses.

SECTION 721m. 38.14 (3) (bm) of the statutes is amended to read:

38.14 (3) (bm) The district board may enter into contracts to provide fiscal and management services to public and private educational institutions, federal and state agencies and local governmental units.

SECTION 722. 38.14 (3) (e) of the statutes is amended to read:

38.14 (3) (e) The district board shall establish and file with the board policies governing contracting under this subsection. Monthly By December 1, 1990, and annually by December 1 thereafter, the district board shall submit to the board, in a form determined by the board, a report identifying all contracts entered into under which the district board provided services under this subsection in which the value of the services exceeds \$500. For each such contract, the report shall identify the parties, the dates during which the services will be provided, the total compensation due the district, the number of persons to be served, the type of service to be provided and the number of credits granted for instructional services performed the preceding fiscal year, and any other information requested by the board.

SECTION 722m. 38.14 (12) of the statutes is created to read:

38.14 (12) INTEGRATED SERVICE PROGRAMS FOR CHILDREN WITH SEVERE DISABILITIES. If the county board of supervisors establishes an integrated service program for children with severe disabilities under s. 59.07 (147), the district board may participate in an integrated service program for children with severe disabilities under s. 59.07 (147) and may enter into

written interagency agreements or contracts under the program.

SECTION 723. 38.15 (1) of the statutes is amended to read:

38.15 (1) Subject to ~~subs. sub.~~ (3) and (4), if the district board intends to make a capital expenditure in excess of \$500,000, excluding moneys received from gifts, grants or federal funds, 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 as provided in s. 67.05 (3) 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.

SECTION 724. 38.15 (1) of the statutes, as affected by 1983 Wisconsin Act 380, 1985 Wisconsin Act 323, 1987 Wisconsin Acts 27 and 391 and 1989 Wisconsin Act (this act), is repealed and recreated to read:

38.15 (1) Subject to sub. (3), if the district board intends to make a capital expenditure in excess of \$500,000, excluding moneys received from gifts, grants or federal funds, 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 as provided in s. 67.05 (3) 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.

SECTION 725. 38.15 (3) of the statutes, as affected by 1983 Wisconsin Act 380 and 1985 Wisconsin Act 323, is repealed and recreated to read:

38.15 (3) This section applies to building program actions approved by the board after January 31, 1980. This section does not apply to building remodeling or improvement projects.

SECTION 726. 38.15 (4) of the statutes is repealed.

SECTION 726g. 38.15 (5) of the statutes is created to read:

38.15 (5) This section does not apply to the acquisition of a building as a result of a lease under s. 38.14

(2) (d) 2 if the district makes no cash expenditure to acquire the building.

SECTION 726gm. 38.15 (6) of the statutes is created to read:

38.15 (6) For a building acquired as a result of a lease under s. 38.14 (2) (d) 2, the purchase price is a capital expenditure under sub. (1) in the fiscal year commencing on the 2nd July 1 following the acquisition of the building.

SECTION 726k. 38.22 (6) of the statutes is renumbered 38.22 (6) (a) and amended to read:

38.22 (6) (a) Any person who has been employed as a migrant worker for at least 2 months each year for 3 of the 5 years next preceding the beginning of the semester or session for which the person wishes to enroll at a district school, or for at least 3 months each year for 2 of the 5 years next preceding the beginning of the semester or session for which the person wishes to enroll at a district school, any adult whose parent or legal guardian has been so employed while the adult was a minor, and any minor whose parent or legal guardian has been so employed, ~~shall be considered a resident of this state for the purposes of this section and s. 38.24.~~ In this subsection paragraph, "migrant worker" has the meaning specified in s. 103.90 (5).

SECTION 726m. 38.22 (6) (intro.) of the statutes is created to read:

38.22 (6) (intro.) The following persons are residents of this state for the purposes of this section and s. 38.24:

SECTION 726s. 38.22 (6) (b) and (c) of the statutes are created to read:

38.22 (6) (b) Any minor, or adult who is a dependent of his or her parents or guardian under 26 USC 152 (a), whose natural parents are divorced or legally separated, if one or both of the person's parents have been bona fide residents of this state for at least 12 months next preceding the beginning of the semester or session for which the person wishes to enroll at a district school.

(c) Any person continuously employed full time in this state, who was relocated to this state by his or her current employer or who moved to this state for employment purposes and accepted his or her current employment before applying for admission to a district school and before moving, and the spouse and dependents of any such person, if the student demonstrates an intent to establish and maintain a permanent home in Wisconsin. In this paragraph, "dependents" has the meaning given in 26 USC 152 (a).

SECTION 727. 38.24 (1) (d) of the statutes is amended to read:

38.24 (1) (d) *Programs for inmates.* Fees Uniform fees, for vocational programs or courses offered to state prison inmates at a district facility by the division of corrections in cooperation with a district board, ~~not more than 9.5% of the actual operational costs of the program in which the inmate is enrolled that are~~

~~incurred by the vocational district equal to the fees established under par. (b).~~

SECTION 728. 38.24 (1) (d) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

38.24 (1) (d) *Programs for inmates.* Uniform fees, for vocational programs or courses offered to state prison inmates at a district facility by the department of corrections in cooperation with a district board, equal to the fees established under par. (b).

SECTION 729. 38.24 (3) (a) 1 of the statutes is amended to read:

38.24 (3) (a) 1. For postsecondary and vocational-adult students, including state prison inmates, who are Wisconsin residents, other than students in approved apprenticeship programs, the board shall annually establish a fee based on 37.5% of the statewide property tax funded cost per full-time equivalent student for operating these programs. The fee established under this subdivision shall be in addition to the fee charged under sub. (1).

SECTION 730. 38.27 (1) (b) (intro.) of the statutes is amended to read:

38.27 (1) (b) (intro.) ~~The funding of new or expanding creation or expansion of programs, courses or services,~~ and related staff and instructional material development:

SECTION 731. 38.27 (1) (b) 1 of the statutes is repealed and recreated to read:

38.27 (1) (b) 1. Which address the need to train emerging skills, skills resulting from occupational or technological change or skills in occupations experiencing substantial growth.

SECTION 732. 38.27 (1) (e) of the statutes is amended to read:

38.27 (1) (e) Educational programs, courses or services that would not otherwise be established or maintained because of limitations declines in district fiscal capacity.

SECTION 732m. 38.27 (1) (f) of the statutes is created to read:

38.27 (1) (f) Paying the tuition of farmers enrolled in farm training programs based on financial need criteria established by the board.

SECTION 733. 38.27 (2) (c) of the statutes is amended to read:

38.27 (2) (c) Amounts awarded under par. (b) shall be paid from the appropriation under s. 20.292 (1) (dc) and may be paid to the district board in instalments. Amounts awarded for the purposes of sub. (1) ~~(a) (b)~~ to (d) shall range from 25% to 75% of the total project cost. The board shall require the district board to provide the remaining percentage share of total project cost.

SECTION 734. 38.27 (2m) (a) of the statutes is amended to read:

38.27 (2m) (a) Not Beginning in the 1989-90 fiscal year, not more than 40% of the total amount awarded

~~under this section in any fiscal year \$1,500,000 annually is awarded for the purpose of sub. (1) (e).~~

SECTION 734m. 38.27 (2m) (c) of the statutes is created to read:

38.27 (2m) (c) Beginning in the 1989-90 fiscal year, at least \$1,500,000 annually is awarded under sub. (1) (a) for adult literacy programs in addition to the amount awarded for such programs in the 1988-89 fiscal year.

SECTION 735. 38.28 (1m) (a) 1 of the statutes is amended to read:

38.28 (1m) (a) 1. "District aidable cost" means the annual cost of operating a vocational, technical and adult education district, including debt service charges for district bonds and promissory notes for building programs or capital equipment, but excluding all expenditures relating to auxiliary enterprises and community service programs, all expenditures funded by or reimbursed with federal revenues, all receipts under s. 38.12 (9), all receipts under s. 38.14 (3), all receipts under sub. (7), all receipts from grants awarded under ss. 38.04 (8), 38.14 (11) and 38.27, all fees collected under s. 38.24 and driver education and chauffeur training aids.

SECTION 736. 38.28 (2) (c) of the statutes is amended to read:

38.28 (2) (c) The board shall pay ~~40 cents for each student period of 50 minutes or more of actual attendance for instruction~~ an amount determined by multiplying the number of students enrolled in a driver training courses course approved by the board by the number of credits of the course for which each student is enrolled and multiplying the product by \$16. The board may provide aids under this paragraph on the basis of a minimum of 10 students ~~per class period of actual instruction~~ regardless of the number of students actually enrolled and attending.

SECTION 737. 38.28 (2) (g) of the statutes is amended to read:

38.28 (2) (g) The board shall pay ~~\$2 for each student period of 50 minutes or more of actual instruction~~ an amount determined by multiplying the number of students enrolled in a chauffeur training courses course approved by the board by the number of credits of the course for which each student is enrolled and multiplying the product by \$72.

SECTION 738. 38.28 (6) of the statutes is repealed.

SECTION 739. 38.28 (7) of the statutes is amended to read:

38.28 (7) From the appropriation under s. 20.292 (1) (q), the board shall annually pay to each district an amount equal to the fee established under s. 38.24 (1) (b) for the number of credits necessary for the education and training required under s. 146.50 (9) (6) and (10), multiplied by the sum of the number of ambulance attendants and ambulance service providers participating in the training required under s. 146.50 (9) and the number of ambulance attendants participat-

ing in the training required under s. 146.50 (10) that are persons enrolled in the district and participating in the courses under s. 146.50 (9) (a) free of charge. If the amount in the appropriation under s. 20.292 (1) (q) in any fiscal year is insufficient to fully fund the payments to districts under this subsection, the payments shall be prorated.

SECTION 739m. 38.35 of the statutes is created to read:

38.35 Alcohol and other drug abuse prevention and intervention programs. (1) A district board may apply to the board for a grant to assist in funding an alcohol and other drug abuse prevention and intervention program under this section. The board shall determine the amount of the grant, if any, to be awarded. Amounts awarded shall be paid from the appropriation under s. 20.292 (1) (w). The board shall promulgate rules establishing criteria for the awarding of grants.

(2) Each district board receiving a grant under sub. (1) shall establish an alcohol and other drug abuse prevention and intervention program that meets standards established by the board by rule. The program shall be coordinated by an alcohol and other drug abuse prevention and intervention program counselor. The counselor shall do all of the following:

(a) Provide educational programs for district staff and students in the prevention of and intervention in alcohol and other drug abuse.

(b) Provide or coordinate support services for students who are in treatment for or recovering from dependence on alcohol or other drugs.

(c) Provide early intervention services.

(3) The board shall ensure that grants awarded under sub. (1) are not used to supplant other funds available for positions or programs relating to the prevention of, intervention in or education about alcohol and other drug abuse.

SECTION 752. 38.51 (6) of the statutes is amended to read:

38.51 (6) Except as provided in par. (b) the board shall be the state approval agency for the education and training of veterans and war orphans. It shall approve and supervise schools and courses of instruction for their training under Title 38, U.S.C., and may enter into and receive money under contracts with the U.S. department of veterans administration affairs or other appropriate federal agencies.

SECTION 774. 39.13 (2) of the statutes is amended to read:

39.13 (2) The executive director may employ a deputy director, the number of division administrators specified in s. 230.08 (2) (e) and 9 ~~12~~ professional staff members outside the classified service. Subject to authorization under s. 16.505, the executive director may employ additional professional staff members for development and grant projects outside the classified

service or for other purposes within the classified service.

SECTION 774d. 39.145 of the statutes is created to read:

39.145 Instructional telecommunications projects.

(1) (a) A school board, the board of control of a cooperative educational service agency, a vocational, technical and adult education district board or an institution or center within the university of Wisconsin system may individually or in any combination request the executive director of the educational communications board to fund the construction of instructional television fixed service facilities, or to upgrade existing one-way video networks to 2-way networks in counties with a population greater than 112,000 but not more than 120,000.

(b) The request shall describe how the services provided by the instructional television fixed service system will be used in cooperation with other educational institutions within the coverage area of the system's facilities.

(2) (a) The executive director shall give first preference in funding projects under this section to an applicant that complies with the sites designated in the educational communications board's plan for the instructional television fixed service system and provides the required one-third matching fund contribution from its own budget.

(b) The executive director shall give 2nd preference in funding projects under this section to an applicant that complies with the sites designated in the educational communication board's plan for the instructional television fixed service system and provides the required one-third matching fund contribution from any federal grant.

(c) The executive director shall give 3rd preference in funding projects under this section to an applicant that includes a rural school district, has the approval of the educational communications board for the project notwithstanding the applicant's noncompliance with the sites designated in the board's plan for the instructional television fixed service system, and provides the required one-third matching fund contribution from its own budget.

(d) The executive director shall give 4th preference in funding projects under this section to an applicant that includes a rural school district, has the approval of the educational communications board for the project notwithstanding the applicant's noncompliance with the sites designated in the board's plan for the instructional television fixed service system, and provides the required one-third matching fund contribution from any federal grant.

(3) (a) Projects shall be funded from the appropriation under s. 20.225 (1) (e). A project may not be funded for more than one year.

(b) No project may be funded unless there is a matching fund contribution from the applicant of at least one-third of the cost of the project. Private funds

and in-kind contributions may be used to meet the matching fund requirement.

(c) No project may be funded unless the executive director determines that all of the following conditions have been met:

1. The funding will not supplant funds otherwise available for the project.

2. The application describes the method that will be used to evaluate the effectiveness of the project.

3. There is a local commitment to maintain the project beyond the funded period, if the executive director determines that such a commitment is appropriate.

4. The applicant authorizes the executive director to disseminate information about the results of the project.

(4) By August 1 following the fiscal year for which a project is funded, the applicant shall submit a report to the executive director evaluating the effectiveness of the funded project. The report shall include an accounting of all expenditures made on behalf of the project.

(5) The board shall promulgate rules to implement and administer this section.

SECTION 774g. 39.15 of the statutes is renumbered 39.15 (1) (intro.) and amended to read:

39.15 (1) (intro.) As a condition to the release of funds under s. 20.250, ~~one-third~~:

(a) One-third of the members of the board of trustees of the medical college of Wisconsin, inc., shall be nominated by the governor, and with the advice and consent of the senate appointed, for staggered 6-year terms expiring on May 1 ~~and the~~.

(b) The medical college of Wisconsin, inc., shall give first preference in admissions to residents of this state.

(2) The legislative audit bureau shall biennially postaudit expenditures under s. 20.250 so as to assure the propriety of expenditures and compliance with legislative intent. State affirmative action policies, rules and practices shall be applied to the medical college of Wisconsin, inc., consistent with their application to state agencies. ~~As a condition to the release of funds under s. 20.250, the medical college of Wisconsin, inc., shall make every effort to promote minority student access to the college so as to ensure that the number of minority students enrolled at the college in the 1984-85 academic year and thereafter is not reduced as a result of the decrease in the number of students funded under s. 20.250 (1) (a) by 1983 Wisconsin Act 27.~~

SECTION 774r. 39.15 (1) (c) of the statutes is created to read:

39.15 (1) (c) The medical college of Wisconsin, inc., shall make every effort to ensure that at least 5% of the total enrollment of the college consists of minority students.

SECTION 775. 39.27 of the statutes is amended to read:

39.27 Council on financial aids. The council on financial aids shall advise the executive secretary of the board on matters pertaining to the state's student financial aids programs.

SECTION 776m. 39.28 (5) of the statutes is created to read:

39.28 (5) Before July 1, 1995, the board and the departments of administration and justice may jointly prepare a report that analyzes the short-term and long-term effects of a transaction under sub. (4) and makes recommendations. Any such report shall be submitted to the governor and the joint committee on finance. The governor may modify or approve the recommendations. The building commission may modify or approve any recommendations relating to refinancing of outstanding student loans.

SECTION 777. 39.32 (9) of the statutes is repealed.

SECTION 777m. 39.40 of the statutes is created to read:

39.40 Minority teacher loan program. (1) In this section "minority student" means a student who is any of the following:

- (a) A Black American.
- (b) An American Indian.
- (c) A Hispanic, as defined in s. 560.036 (1) (d).
- (d) A person admitted to the United States after December 31, 1975, who is either a former citizen of Laos, Vietnam or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam or Cambodia.

(2) The board shall establish a loan program for minority students who meet all of the following requirements:

(a) Are registered as juniors or seniors, or hold a bachelor's degree and are registered as special students, in an accredited, private institution of higher education located in this state.

(b) Are enrolled in programs of study leading to licensure as a teacher and are not currently licensed as teachers.

(c) Meet academic criteria specified by the board.

Vetoed in Part (d) Agree to teach ~~for the first 4 years after licensure as a teacher~~ in a school district located in this state in which minority students constitute at least 29% of the membership or in a school district participating in the interdistrict pupil transfer program under s. 121.85. In this paragraph, "membership" has the meaning given in s. 121.004 (5).

Vetoed in Part (3) Loans under sub. (2) shall be made from the appropriation under s. 20.235 (1) (cr). The board shall forgive 25% of the loan and 25% of the interest on the loan for each school year the recipient teaches in a school district described under sub. (2) (d) ~~during the first 4 years after licensure as a teacher.~~

(4) The board shall deposit in the general fund as general purpose revenue-earned all repayments of loans made under sub. (2) and the interest on the loans.

SECTION 777p. 39.41 of the statutes is created to read:

39.41 Academic excellence higher education scholarships. (1) In this section:

(a) "School board" has the meaning given in s. 115.001 (7).

(b) "School district" has the meaning given in s. 115.01 (3).

(c) "State superintendent" means the state superintendent of public instruction.

(1m) (a) Annually by February 15, the school board of each school district operating one or more high schools and the governing body of each private high school shall name the 12th grade pupil in each high school who has the highest grade point average in all subjects as eligible to receive a higher education scholarship. If 2 or more pupils in the same high school have the same grade point average, the school board shall select the pupil eligible for the scholarship.

(b) If a high school has an enrollment of 500 or more, the school board or governing body shall name a number of additional 12th grade pupils enrolled in the high school with the next highest grade point averages as eligible to receive higher education scholarships. The number of additional pupils eligible shall be determined by dividing the high school's enrollment by 500 and rounding down the quotient to the next whole number.

(c) No more than 10 scholarships may be awarded annually to pupils enrolled in high schools with enrollments of less than 80. If more than 10 such pupils are eligible for scholarships in any year, the state superintendent shall select the 10 eligible to receive scholarships.

(2) (a) Beginning in the 1990-91 school year, if a pupil eligible to receive a higher education scholarship is admitted to and enrolls, on a full-time basis within one year after graduating from high school, in a center or institution within the university of Wisconsin system or in a vocational, technical and adult education district school that is participating in the program under this section, the pupil shall be exempt from all tuition and fees, including segregated fees, at the center, institution or district school for one year, subject to the availability of funds.

(b) For each year that the pupil is enrolled full time, maintains at least a 3.0 grade point average, or the equivalent as determined by the center, institution or district school, and makes satisfactory progress toward an associate or a bachelor's degree, the pupil shall be exempt from all tuition and fees, including segregated fees, in the subsequent year, subject to the availability of funds. No pupil is eligible for an exemption for more than 4 years at a center or institution or more than 3 years at a district school.

(c) Subject to sub. (4), for each year the student is exempt from tuition and fees under par. (a) or (b), the board shall pay the center, institution or district

school, on behalf of the student, an amount equal to 50% of the student's tuition and fees.

(3) (a) Beginning in the 1990-91 school year, subject to sub. (4), if a pupil eligible to receive a higher education scholarship is admitted to and enrolls, on a full-time basis within one year after graduating from high school, in a private institution of higher education that is located in this state and participating in the program under this section, the board shall pay the institution, on behalf of the pupil, an amount equal to 50% of the tuition and fees charged a resident undergraduate at the university of Wisconsin-Madison in the same academic year.

(b) For each year that the pupil is enrolled full time, maintains at least a 3.0 grade point average, or the equivalent as determined by the private institution, and makes satisfactory progress toward a bachelor's degree, the pupil is eligible for a higher education scholarship as determined under par. (a). No pupil is eligible for a higher education scholarship for more than 4 years at a private institution of higher education.

(4) (a) The board shall make the payments under subs. (2) (c) and (3) (a) subject to the availability of funds and only if the center, institution, district school or private institution matches the amount of the payment from institutional funds, gifts or grants.

(b) The board shall make the payments under subs. (2) (c) and (3) (a) from the appropriation under s. 20.235 (1) (fy). If the amount in the appropriation under s. 20.235 (1) (fy) in any fiscal year is insufficient to fully make the payments, the amount of each payment shall be reduced proportionately.

(c) No student is eligible for an original grant under this section after the 1993-94 school year.

(5) (a) Each center or institution within the university of Wisconsin system, vocational, technical and adult education district school and private institution of higher education that wishes to participate in the scholarship program under this section shall notify the board by October 1 prior to the academic year in which the institution wishes to participate.

(b) Each pupil eligible for a higher education scholarship under sub. (1m) shall notify the board by April 15 of the institution of higher education he or she will be attending in the next academic year.

(c) Annually by May 1, the board shall notify each pupil who will be attending a participating private institution of higher education in the next academic year of the amount of his or her higher education scholarship.

(6) A scholarship under this section shall not be used to replace any other grant for which a student is eligible.

(7) By February 1, 1991, and annually thereafter, the board shall submit a report to the joint committee on finance evaluating the success of the program under this section. The report shall specify the number and amount of the scholarships awarded in

the current fiscal year and the institutions of higher education chosen by the scholarship recipients.

(8) The state superintendent shall promulgate rules ~~to implement and administer this section, including~~ **Vetoed** rules establishing criteria for the selection of scholarship recipients under sub. (1m) (c). **in Part**

SECTION 778. 39.43 of the statutes is repealed.

SECTION 779. 39.435 (title) of the statutes is amended to read:

39.435 (title) Wisconsin higher education grants and talent incentive grants.

SECTION 780. 39.435 (1) of the statutes is amended to read:

39.435 (1) There is established, to be administered by the board, a higher education grant program for postsecondary resident students enrolled at least half-time and registered as freshmen, sophomores, juniors or seniors in accredited institutions of higher education in this state. Except as authorized under subs. (4) ~~and sub. (5)~~, such grants shall be made only to students enrolled in nonprofit public institutions in this state.

SECTION 781. 39.435 (2) of the statutes is renumbered 39.435 (4).

SECTION 782. 39.435 (2) of the statutes is created to read:

39.435 (2) The board shall award talent incentive grants to uniquely needy students enrolled at least half-time as first-time freshmen at public and private nonprofit institutions located in this state and to sophomores, juniors and seniors who received such grants as freshmen. No grant under this subsection may exceed \$1,800 for any academic year. The board may not award a grant to the same student for more than 10 consecutive semesters or their equivalent. The board shall promulgate rules establishing eligibility criteria for grants under this subsection.

SECTION 783. 39.435 (3) of the statutes is amended to read:

39.435 (3) Grants under ~~this section sub. (1)~~ shall not be less than \$250 during any one academic year, unless the joint committee on finance, ~~acting under s. 13.10,~~ approves an adjustment in the amount of the minimum grant. Grants under ~~this section sub. (1)~~ shall not exceed \$1,800 during any one academic year. The board shall, by rule, establish a reporting system to periodically provide student economic data and shall promulgate other rules the board deems necessary to assure uniform administration of the program.

SECTION 784. 39.435 (4) of the statutes is repealed.

SECTION 785. 39.435 (5) of the statutes is amended to read:

39.435 (5) The board shall ensure that grants under this section are made available ~~for handicapped~~ to students attending private or public institutions in this state who are deaf or hard of hearing or visually handicapped and who demonstrate need. Grants may also be made available to such handicapped students

attending private or public institutions in other states under criteria established by the board. In determining the financial need of these students special consideration shall be given to their unique and unusual costs.

SECTION 785m. 39.46 (2) (g) of the statutes is repealed and recreated to read:

39.46 (2) (g) That the school of dentistry make every effort to ensure that at least 5% of the total enrollment of the school consists of minority students.

SECTION 786. 40.01 (2) of the statutes is amended to read:

40.01 (2) PURPOSE. The public employe trust fund is a public trust and shall be managed, administered, invested and otherwise dealt with solely for the purpose of ensuring the fulfillment at the lowest possible cost of the benefit commitments to participants, as set forth in this chapter, and shall not be used for any other purpose. Revenues collected for and balances in the accounts of a specific benefit plan shall be used only for the purposes of that benefit plan, including amounts allocated under s. 20.515 (1) (um) or 40.04 (2), and shall not be used for the purposes of any other benefit plan. Each member of the employe trust funds board shall be a trustee of the fund and the fund shall be administered by the department of employe trust funds. All statutes relating to the fund shall be construed liberally in furtherance of the purposes set forth in this section.

SECTION 786m. 40.01 (3) of the statutes is amended to read:

40.01 (3) COMPATIBILITY OF TRUSTEE RESPONSIBILITIES. Membership on the employe trust funds board, group insurance board, deferred compensation board, Wisconsin retirement board and the teachers retirement board shall not be incompatible with any other public office. The board members and the employes of the department shall not be deemed to have a conflict of interest in carrying out their responsibilities and duties in administering this chapter, or taking other appropriate actions necessary to achieve the purposes of this chapter, solely by reason of their being eligible for benefits under the benefit plans provided under this chapter. However, any board member or employe of the department is expressly prohibited from participating in decisions directly related to a specific benefit, credit, claim or application of the person and from participating in negotiations or decisions on the selection of actuarial, medical, legal, insurance or other independent contractors if the board member or employe of the department has a direct or indirect financial interest in or is an officer or employe or is otherwise associated with the independent contractor.

SECTION 788g. 40.02 (17) (e) of the statutes is amended to read:

40.02 (17) (e) Each executive participating employe whose creditable service terminates on or after May 3,

1988, who was previously in a position designated under s. 20.923 (4), (8) or (9), but did not receive creditable service because of age restrictions, may receive creditable service equal to part or all of the period of executive service not credited if the participant pays to the department a lump sum payment equal to 5.5% of one-twelfth of the employe's highest earnings in a single annual earnings period multiplied by the number of months of creditable service granted requested under this paragraph, except a participant who is a present or former elected official or an appointee of such an official may receive creditable service equal to part or all of the period of executive service not credited if the participant pays to the department a lump sum payment equal to the present value of the creditable service requested, in accordance with rates actuarially determined to be sufficient to fund the full cost of the increased benefits which will result from granting the creditable service. That amount shall be credited and treated as an employe required contribution for all purposes of the Wisconsin retirement system.

SECTION 788q. 40.02 (25) (b) 1 of the statutes is amended to read:

40.02 (25) (b) 1. Any teacher who is employed by the university for an expected duration of not less than 6 months on at least a one-third full-time employment basis and who is not described in subd. 1m.

SECTION 788r. 40.02 (25) (b) 1m of the statutes is created to read:

40.02 (25) (b) 1m. Any member of the faculty, as defined in s. 36.05 (8), or academic staff, as defined in s. 36.05 (1), of the university.

SECTION 790. 40.02 (40m) of the statutes is amended to read:

40.02 (40m) "Long-term care insurance" means insurance that primarily provides coverage both for an extended stay in a nursing home and for home health services for a person with a chronic condition. The insurance may also provide coverage for other services that assist the insured person in living outside a nursing home including but not limited to adult day care and continuing care retirement communities care that is provided in institutional and community-based settings and that is convalescent or custodial care or care for a chronic condition or terminal illness. The term does not include a medicare supplement policy, as defined in s. 600.03 (28r), a medicare replacement policy, as defined in s. 600.03 (28p), or a continuing care contract, as defined in s. 647.01 (2).

SECTION 796am. 40.02 (48) (intro.) of the statutes is renumbered 40.02 (48) (a) and amended to read:

40.02 (48) (a) "Protective occupation participant" means any participant whose principal duties are determined by the participating employer, or, subject to s. 40.06 (1) (dm), by the department head in the case of a state employe, to involve active law enforcement or active fire suppression or prevention, provided the

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duties require frequent exposure to a high degree of danger or peril and also require a high degree of physical conditioning.

SECTION 797am. 40.02 (48) (a) of the statutes is renumbered 40.02 (48) (am) and amended to read:

40.02 (48) (am) "Protective occupation participant" ~~is deemed to include~~ includes any participant whose name is certified to the fund as provided in s. 40.06 (1) (d) and (dm) and who is a conservation warden, conservation patrol boat captain, conservation patrol boat engineer, conservation pilot, conservation patrol officer, forest fire control assistant, member of the state patrol, state motor vehicle inspector (if hired prior to January 1, 1968), police officer, fire fighter, sheriff, undersheriff, deputy sheriff, county traffic police officer, state forest ranger, fire watcher employed by the Wisconsin veterans home, state correctional-psychiatric officer, excise tax investigator employed by the department of revenue, special criminal investigation agent in the department of justice, assistant or deputy fire marshal, or person employed under s. 61.66 (1).

SECTION 798am. 40.02 (48) (c) of the statutes is amended to read:

40.02 (48) (c) In s. 40.65, "protective occupation participant" means a participating employee who is a police officer, fire fighter, ~~a person an individual~~ determined by a participating employer under sub. (48) (intro-) par. (a) to be a protective occupation participant, county undersheriff, deputy sheriff, county traffic police officer, conservation warden, state forest ranger, field conservation employee 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 employee whose principal duties are supervision and discipline of inmates at a state penal institution, excise tax investigator employed by the department of revenue, person employed under s. 61.66 (1), or a special criminal investigation agent employed by the department of justice.

SECTION 798m. 40.03 (9) of the statutes is created to read:

40.03 (9) DEFERRED COMPENSATION BOARD. The deferred compensation board shall have the powers and duties provided under s. 40.80 (2) and (2m).

SECTION 799. 40.04 (2) (a) of the statutes is amended to read:

40.04 (2) (a) An administrative account shall be maintained within the fund from which administrative costs of the department, except charges for services performed by the investment board and costs of medical and vocational evaluations used in determinations of eligibility for benefits under ss. 40.61, 40.63 and 40.65, shall be paid.

Vetoed in Part SECTION 806m. 40.04 (5m) of the statutes is created to read:

~~40.04 (5m) For any participating employee whose monthly annuity in the normal form, if computed under s. 40.23 (2m) (s) to (g) at the end of the participating employee's previous annual earnings period, would equal or exceed 65% of the participating employee's final average earnings, or 85% of the participating employee's final average earnings if his or her formula rate is determined under s. 40.23 (2m) (e) 4, all subsequent employee retirement contributions required under s. 40.05 (1) shall be credited as additional contributions under s. 40.05 (1) (a) 5 and an equal amount of employer retirement contributions required under s. 40.05 (2) (a) shall be credited as additional contributions under s. 40.05 (2) (g).~~

Vetoed in Part

~~SECTION 810m. 40.05 (4) (a) of the statutes is amended to read:~~

Vetoed in Part

~~40.05 (4) (a) For health insurance each insured employee and insured retired employee shall contribute the balance of the required premium amounts after applying required employer contributions, if any. Employers shall pay contributions as required by this paragraph for each insured employee who is currently employed and has not been on a leave of absence for more than 3 months effective on the first day of the 4th month commencing after the date the insured employee commences employment with the state. Employers shall pay contributions as required by this paragraph for an insured employee who is an eligible employee under s. 40.02 (25) (a) 2 or (b) 1m effective on the date the employee becomes an eligible employee.~~

~~SECTION 811e. 40.05 (4) (b) of the statutes is amended to read:~~

Vetoed in Part

~~40.05 (4) (b) Except as provided under par. (b) 1, accumulated unused sick leave under ss. 13.121 (4), 36.30, 230.35 (2) and 757.02 (5) and subch. V of ch. 111 of any eligible employee shall, at the time of death, upon qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1) or upon termination of creditable service and qualifying as an eligible employee under s. 40.02 (25) (b) 6 or 10, be converted, at the employee's current basis pay rate, to credits for payment of health insurance premiums on behalf of the employee or the employee's surviving insured dependents. The full premium for any eligible employee who is insured at the time of retirement, or for the surviving insured dependent of an eligible employee in the event of death, shall be deducted from the credits until the credits are exhausted and paid from the account under s. 40.04 (10), and then deducted from annuity payments, if the annuity is sufficient. The department shall provide for the direct payment of premiums by the insured to the insurer if the premium to be withheld exceeds the annuity payment. The employee may elect to delay initiation of deductions for up to 5 years after the date of retirement if that employee is covered by a comparable health insurance plan or policy between the date of retirement and the time the employee elects to initiate deductions from his or her sick leave credits. A health insurance plan or policy is considered comparable if it~~

provides hospital and medical benefits which are substantially equivalent to the standard health insurance plan established under s. 40.52 (1).

SECTION 811m. 40.05 (4) (bm) of the statutes is amended to read:

Vetoed
in Part

40.05 (4) (bm) Except as provided under par. (bp), accumulated ~~Accumulated~~ unused sick leave under ss. 36.30 and 230.35 (2) of any eligible employee shall, upon request of the employee at the time the employee is subject to layoff under s. 40.02 (40), be converted at the employee's current basis pay rate to credits for payment of health insurance premiums on behalf of the employee. The full amount of the required employee contribution for any eligible employee who is insured at the time of the layoff shall be deducted from the credits until the credits are exhausted, the employee is reemployed, or 5 years have elapsed from the date of layoff, whichever occurs first.

SECTION 811s. 40.05 (4) (bp) of the statutes is repealed.

SECTION 814m. 40.05 (5) (b) 4 of the statutes, as affected by 1989 Wisconsin Act 13, is amended to read:

40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in accordance with ss. 13.121 (4), 36.30, 230.35 (2) and 757.02 (5) and subch. V of ch. 111.

SECTION 815am. 40.06 (1) (d) of the statutes is amended to read:

40.06 (1) (d) Each participating employer and, subject to par. (dm), each state agency shall notify the department in the manner and at the time prescribed by the department, of the names of all participating employees classified as protective occupation participants determined in accordance with s. 40.02 (48) or classified as teacher participants in accordance with s. 40.02 (55) or other classification as specified by the department.

SECTION 815c. 40.06 (1) (dm) of the statutes is created to read:

40.06 (1) (dm) Each determination by a department head regarding the classification of a state employee as a protective occupation participant shall be reviewed by the department of employment relations. A state employee's name may not be certified to the fund as a protective occupation participant under par. (d) until the department of employment relations approves the determination.

SECTION 815e. 40.06 (1) (em) of the statutes is created to read:

40.06 (1) (em) The department may review any determination by a participating employer to classify an employee who is not a state employee as a protective occupation participant and may appeal the determination to the board by filing a written notice of appeal with the board. The determination by the employer shall remain in effect until the department receives a written notification from the board indicating a classi-

fication for the employee that is different from the employer's determination.

SECTION 815m. 40.08 (11) of the statutes is amended to read:

40.08 (11) ASSUMED CONSENT. The department, its employees, the fund, the employee trust fund board and, the group insurance board and the deferred compensation board are held free from any liability for any money retained or paid in accordance with this section and the employee, participant or beneficiary shall be assumed to have assented and agreed to any disposition under this section of the money due.

SECTION 835c. 40.51 (2) of the statutes is amended to read:

40.51 (2) Except as provided under sub. (10) in subs. (10) and (11), any eligible employee may become covered by group health insurance by electing coverage within 30 days of being hired, to be effective as of the first day of the month which begins on or after the date the application is received by the employer, or by electing coverage prior to becoming eligible for employer contribution towards the premium cost to be effective upon becoming eligible for employer contributions. Any employee who does not so elect at one of these times, or who subsequently cancels the insurance, shall not thereafter become insured unless the employee furnishes evidence of insurability satisfactory to the insurer, at the employee's own expense or obtains coverage subject to contractual waiting periods. The method to be used shall be specified in the health insurance contract.

SECTION 835g. 40.51 (11) of the statutes is created to read:

40.51 (11) An eligible state employee who elects insurance coverage with a county under s. 978.12 (6) may not elect coverage under this section.

SECTION 835L. 40.55 (1) of the statutes is amended to read:

40.55 (1) The Except as provided in sub. (5), the state shall offer, through the group insurance board, to all eligible employees under s. 40.02 (25) (bm) and to all state annuitants all long-term care insurance policies which have been approved for sale in this state by the office of the commissioner of insurance and which have been approved for offering under rules promulgated by the group insurance board if the insurer requests that the policy be offered and the state shall also allow an eligible employee or a state annuitant to purchase those policies for his or her spouse or parent.

SECTION 835p. 40.55 (5) of the statutes is created to read:

40.55 (5) An eligible state employee who elects insurance coverage with a county under s. 978.12 (6) may not elect coverage under this section.

SECTION 835t. 40.61 (2) of the statutes is amended to read:

40.61 (2) Any Except as provided in sub. (4), any eligible employee may become covered by income con-

tinuation insurance by electing coverage within 30 days of initial eligibility, to be effective as of the first day of the month which begins on or after the date the application is received by the employer, or by electing coverage within 30 days of initially becoming eligible for a higher level of employer contribution towards the premium cost to be effective as of the first day of the month following the date the application is received by the employer for teachers employed by the university and effective as of the following April 1 for all other employees. Any employee who does not so elect at one of these times, or who subsequently cancels the insurance, may not thereafter become insured unless the employee furnishes evidence of insurability under the terms of the contract, or as otherwise provided by rule for employees under sub. (3), at the employee's own expense or obtains coverage subject to contractual waiting periods if contractual waiting periods are provided for by the contract or by rule for employees under sub. (3). An employee who furnishes satisfactory evidence of insurability under the terms of the contract shall become insured as of the first day of the month following the date of approval of evidence. The method to be used shall be determined by the group insurance board under sub. (1).

SECTION 835x. 40.61 (4) of the statutes is created to read:

40.61 (4) An eligible state employee who elects insurance coverage with a county under s. 978.12 (6) may not elect coverage under this section.

SECTION 836. 40.62 (2) of the statutes, as affected by 1989 Wisconsin Act 13, is amended to read:

40.62 (2) Sick leave accumulation shall be determined in accordance with ss. 13.121 (4), 36.30, 230.35 (2) and 757.02 (5) and 978.12 (3), subch. V of ch. 111 and the rules of the department.

SECTION 840m. 40.70 (1) (intro.) of the statutes is amended to read:

40.70 (1) (intro.) Each Except as provided in sub. (11), each eligible employee of an employer shall be insured under the group life insurance provided in accord with this subchapter if:

SECTION 841b. 40.70 (11) of the statutes is created to read:

40.70 (11) An eligible state employee shall not be insured under the group life insurance provided under this subchapter if the employee elects insurance coverage with a county under s. 978.12 (6).

SECTION 841d. 40.80 (1) of the statutes is amended to read:

40.80 (1) The deferred compensation board shall select and contract with deferred compensation plan providers to be used by state agencies. An eligible state employee may not be covered under the plan if the employee elects coverage under fringe benefit plans provided by a county pursuant to s. 978.12 (6).

SECTION 841e. 40.80 (2) (intro.) of the statutes is amended to read:

40.80 (2) (intro.) The deferred compensation board shall:

SECTION 841g. 40.80 (2) (e) of the statutes is amended to read:

40.80 (2) (e) Require as a condition of the contractual agreements entered into under this section that approved deferred compensation plan providers shall provide service to state agencies only as approved by the deferred compensation board.

SECTION 841i. 40.80 (2m) of the statutes is created to read:

40.80 (2m) The deferred compensation board shall promulgate rules establishing procedures, requirements and qualifications for offering deferred compensation plans to state employees in addition to the deferred compensation plans offered by deferred compensation providers selected and contracted with under sub. (2).

SECTION 841j. 40.80 (3) of the statutes is created to read:

40.80 (3) Any action taken under this section shall apply to employees covered by a collective bargaining agreement under subch. V of ch. 111.

SECTION 843p. 43.70 (1) of the statutes is amended to read:

43.70 (1) No later than October 15 of each year, each school district administrator shall certify to the state superintendent, on forms provided by the state superintendent, a report of the total number of children between the ages of 4 and 20 years residing in his school district on the preceding June 30. The number may be estimated by using statistically significant sampling techniques that have been approved by the state superintendent.

SECTION 846. 44.02 (24) of the statutes is amended to read:

44.02 (24) Promulgate by rule procedures, standards and forms necessary to certify, and shall certify, expenditures for preservation or rehabilitation of ~~non-depreciable~~ historic property for the purposes of ~~s. 71.09 (12a)~~ ss. 71.07 (9r), 71.28 (7) and 71.47 (6). These standards shall be substantially similar to the standards used by the secretary of the interior to certify rehabilitations under 26 USC 48 (g) (2) (C).

SECTION 847. 44.02 (25) of the statutes is created to read:

44.02 (25) In cooperation with and upon request of the board on the U.S.S. Wisconsin, maintain a permanent exhibit at a suitable location in this state relating to the history of the 2 battleships named "Wisconsin".

SECTION 847am. 44.02 (26) of the statutes is created to read:

44.02 (26) With the department of administration, promulgate rules identifying historically significant materials and obtain historically significant surplus materials under s. 16.72 (5) (c).

SECTION 847c. 44.08 of the statutes is created to read:

44.08 Humanities grants. From the appropriation under s. 20.245 (4) (f), the historical society shall provide funds in the 1989-91 biennium to a nonprofit corporation that supports and conducts public humanities programming, if such funds are matched by federal funds, to make grants to nonprofit organizations and institutions for local and regional heritage projects.

SECTION 848. 44.20 (4) of the statutes is repealed.

SECTION 848m. 44.20 (5) of the statutes is amended to read:

44.20 (5) ~~Beginning on September 15, 1987, and annually thereafter~~ Annually by December 1, the director of the historical society shall submit a report to the joint committee on finance ~~by no later than September 15~~ regarding program revenues and expenditures for each ~~historical~~ historic site under sub. (1) and on the condition of the historic sites.

SECTION 849. 44.31 (1) of the statutes is renumbered 44.31 (1m).

SECTION 850. 44.31 (9) of the statutes is renumbered 44.31 (1), and 44.31 (1) (intro.), as renumbered, is amended to read:

44.31 (1) (intro.) ~~"Significant adverse~~ "Adverse effect" means any of the following:

SECTION 850m. 44.39 (1) of the statutes is amended to read:

44.39 (1) **LEAD AGENCY.** The state historical society shall serve as the central unit of state government to coordinate the activities of all state agencies in connection with historic properties, to serve as the repository of information concerning historic properties owned or leased by the state, to collect and disseminate to state agencies information concerning appropriate means for managing and improving historic properties and to take any other action necessary to implement this section and ~~s.~~ ss. 44.40 and 44.41.

SECTION 850n. 44.39 (2) of the statutes is amended to read:

44.39 (2) **IDENTIFICATION OF AFFECTED STATE AGENCIES.** The state historical society shall identify every state agency which has any power or duty under s. 44.40 or 44.41 and shall notify each identified state agency of its powers and duties.

SECTION 851. 44.40 of the statutes is created to read:

44.40 State agency decisions; negotiation. (1) Each state agency shall consider whether any proposed action of the state agency will affect any historic property that is a listed property, on the inventory or on the list of locally designated historic places under s. 44.45. If the state agency determines that its proposed action will affect any historic property, it shall notify the officer.

(1m) The historical society and a state agency notified under s. 44.39 (2) jointly shall identify actions of the state agency that may cause or permit an adverse effect on historic property including, but not limited to, any state agency action that involves the exercise of state agency authority in the issuance of a permit, license, authorization, variance or exception or in any grant of financial assistance and any state agency action related to property owned by the state agency or related to its long-range planning and facilities development.

(2) (a) Upon receipt of a notice under sub. (1) the officer shall determine whether the proposed action will have an adverse effect upon a historic property that is any of the following:

1. A listed property.
2. On the inventory.
3. On the list of locally designated historic places under s. 44.45.

(b) The officer shall make the determination under par. (a) within 30 days of receipt of the notice under sub. (1) or notify the state agency that an extension of time, not to exceed 30 days, is necessary to make the determination. If the officer notifies the state agency of an extension, he or she shall include in the notice the reasons for the extension.

(3) If the officer determines under sub. (2) that the proposed action will have an adverse effect on the historic property, the officer may require negotiations with the state agency to reduce such effects. If the negotiations result in an agreement as to the means of reducing such effects, the agreement shall be incorporated into the state agency's proposed action. The officer shall prepare a written report on the effects and the status of all negotiations. The officer shall submit the report to the governor and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3).

(4) A state agency may deny or impose conditions on a permit, license, authorization, variance, exception or award of financial assistance identified under sub. (1m) in order to reduce any adverse effect on historic property.

(5) This section does not apply to any state agency action which is subject to 16 USC 461 to 470mm.

SECTION 852. 44.42 (1) (intro.) of the statutes is amended to read:

44.42 (1) (intro.) Upon receipt of a notice from a political subdivision under s. 66.037 (4) concerning a proposed action affecting a historic property, the officer shall determine whether the action would ~~adversely affect~~ have an adverse effect upon a historic property which is:

SECTION 853. 44.42 (1) (b) of the statutes is repealed and recreated to read:

44.42 (1) (b) On the list of locally designated historic places under s. 44.45.

SECTION 854. 44.42 (1) (c) of the statutes is repealed.

SECTION 855. 44.42 (2) of the statutes is amended to read:

44.42 (2) The officer shall, within 30 days of receipt of the notice under s. 66.037 (4), reach a determination under sub. (1) or notify the political subdivision in writing that an extension of time, not to exceed 30 additional days, will be required to make adequate determinations and the reasons for requiring the extension. If the officer determines that the proposed action which is the subject of that notice will adversely have an adverse effect on the property which would be subject to that action, the officer may require negotiations with the political subdivision proposing such action in an attempt to reduce such effects. If the negotiations result in an agreement as to the means of reducing such effects, that agreement shall be incorporated into the proposed action of the political subdivision. If no agreement is reached, the The officer shall prepare a written report on the effects and the status of the all negotiations. The officer shall submit the report the results of any negotiation under this paragraph to the governor and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3).

SECTION 859d. 44.53 (1) (f) of the statutes is amended to read:

44.53 (1) (f) Plan and implement, when appropriate funds are available in the appropriations under s. 20.215 (1) (b) and (c), a program of contracts with or grants-in-aid to, groups or, in appropriate cases, individuals of exceptional talent engaged in or concerned with the arts. Annually, the board shall award a grant of \$15,000 to very special arts Wisconsin, incorporated. No grantee may receive any funds distributed as grants-in-aid under this paragraph unless the grantee provides at least 10% of the estimated total cost of the project, either in the form of moneys or in-kind contributions of equivalent value, to be funded under this paragraph.

~~SECTION 859f. 44.53 (1) (g) of the statutes is created to read:~~

~~44.53 (1) (g) Appoint a curator of public art within the classified service.~~

~~SECTION 860c. 44.53 (2) (a) of the statutes is amended to read:~~

~~44.53 (2) (a) Enter into contracts with individuals, organizations, units of government and institutions for services furthering the development of the arts and humanities, including cataloging and conserving art owned by this state.~~

SECTION 863b. 44.565 (2) (a) and (c) and (3) of the statutes are amended to read:

44.565 (2) (a) The From the appropriation under s. 20.215 (1) (d), the board shall award arts challenge initiative grants to arts organizations and local arts agencies.

(c) The board shall set aside at least ~~5%~~ 10% of the funds for grants under par. (a) for grants to minority arts organizations.

(3) If the amount in the appropriation under s. 20.215 (1) (d) in any fiscal year is insufficient to fund all grants under this section, the board shall award grants, including the minimum and maximum grants under sub. (2) (e), on a prorated basis.

~~SECTION 873b. 44.57 (2) of the statutes is amended to read:~~

~~44.57 (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 and to fund all administrative costs that the board incurs in acquiring one or more works of art.~~

~~(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, including all associated administrative costs, 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.~~

~~SECTION 873d. 44.57 (5) (e) of the statutes is created to read:~~

~~44.57 (5) (e) Oversees the conservation and cataloging of the work of art.~~

SECTION 873f. 44.58 of the statutes is created to read:

44.58 Rural arts grants. (1) Subject to sub. (2), the board shall award grants to arts organizations located in rural areas to improve and expand arts programming in those areas. Grants shall be awarded from the appropriation under s. 20.215 (1) (e).

(2) No grant may be awarded under sub. (1) unless the amount of the grant is equally matched with federal funds intended for rural arts programs.

SECTION 873g. 44.58 of the statutes, as created by 1989 Wisconsin Act (this act), is repealed.

SECTION 873gb. 44.60 of the statutes is created to read:

44.60 Arts incubator grants and loans. (1) In this section:

(a) "Arts incubator" means a facility that provides nonprofit arts organizations or individual professional artists with shared support services and with office, storage, studio, gallery, performance or other work or living space at a lower rent than the market rate in the community.

Vetoed
in Part

Vetoed
in Part

(b) "Nonprofit arts organization" means a nonprofit corporation organized under ch. 181 for the purpose of furthering the arts.

(c) "Nonprofit business development organization" means a housing and community development authority created under s. 66.4325 (1), redevelopment corporation, as defined in s. 66.405 (3) (s), redevelopment authority created under s. 66.431 (3), community development corporation, as defined in s. 234.94 (2), or any nonprofit organization whose primary purpose is to promote the economic development of a particular area or region in the state.

(2) The board may award a grant not exceeding \$5,000 to a nonprofit business development organization or a nonprofit arts organization to fund a feasibility study of the need for and the initial design of an arts incubator in a particular region of this state.

(3) The board may award a grant or loan not exceeding \$50,000 to a nonprofit business development organization or nonprofit arts organization to fund the initial development and operation of a proposed arts incubator, including equipment purchases, building acquisition and rehabilitation and staff costs, after considering all of the following:

(a) The qualifications of the proposed arts incubator's management and staff.

(b) The availability and cost of office, storage, studio, gallery, performance or other work or living space in the community.

(c) The support and involvement of local businesses, the local financial community, local governmental units and the local arts community.

(d) The cost-effectiveness of the arts incubator.

(e) The effect of the arts incubator on the local economy and the community in which it is located.

(f) The financial viability of the proposed arts incubator.

Vetoed in Part (4) At the request of the board, the department of tourism and development shall assist the board in evaluating proposed projects under this section.

SECTION 874. 44.65 of the statutes is repealed.

SECTION 874L. 45.01 of the statutes is amended to read:

45.01 G.A.R. memorial hall; space for. The department of administration shall provide suitable ~~rooms in the capitol and properly prepare them~~ space for the purpose of a memorial hall, designated as the G.A.R. memorial hall, dedicated to the men and women of Wisconsin who served in the armed forces of the United States in the civil war of 1861 to 1865 or in any subsequent wars, as enumerated in s. 45.35 (5) (a) to (g), or in Grenada, Lebanon or a Middle East crisis under s. 45.34, and the department of veterans affairs shall operate and conduct such memorial hall.

SECTION 874m. 45.02 of the statutes is amended to read:

45.02 Memorial collection. The battle flags of Wisconsin units serving in the nation's wars, and all relics

and mementos of such wars donated to or otherwise acquired by the state for display in the G.A.R. memorial hall shall constitute the memorial collection. The department of veterans affairs shall catalog and identify all war relics and mementos of the memorial collection, restore, preserve and safeguard such items, procure additions to such collection, provide proper display equipment, and to so display such collection as to make it instructive and attractive to visitors ~~to the state capitol.~~

SECTION 875. 45.16 of the statutes is amended to read:

45.16 Burial allowance. Each county veterans' service officer shall cause to be interred in a decent and respectable manner in any cemetery in this state, other than those used exclusively for the burial of paupers, the body of any person who served in any war of the United States, in the Korean conflict, in the Vietnam era, under section 1 of executive order 10957, dated August 10, 1961, or had service ~~which that~~ which entitled the person 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, the navy expeditionary medal or the marine corps expeditionary medal or who served in Grenada, Lebanon or a Middle East crisis under s. 45.34 and who was discharged under honorable conditions ~~therefrom~~ after 90 days or more of active service, in the U.S. armed forces, or if having served less than 90 days was honorably discharged for disability incurred in line of duty and who was living in ~~such the~~ the county at the time of death, and who dies not leaving sufficient means to defray the necessary expenses of a decent burial, or under financial circumstances ~~which that~~ which would distress the person's family to pay the expenses of ~~such the~~ the burial, and the body of a spouse or surviving spouse of ~~any such the~~ the person who dies not leaving such means or under the same financial circumstances and who was living in ~~such the~~ the county at the time of death, at an expense to the county of not more than \$300 in addition to the burial allowance payable under laws administered by the U.S. department of veterans administration affairs.

SECTION 877. 45.35 (5) (intro.) of the statutes is amended to read:

45.35 (5) VETERAN DEFINED; BENEFIT. (intro.) "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 was served~~ in Grenada, Lebanon or a Middle East crisis under s. 45.34 or ~~which whose~~ whose 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, the navy expeditionary medal or the marine corps expeditionary medal or any person who served for 90 days or more during a ~~war-time~~ war 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 are also be made available to the unmarried surviving spouses and minor or dependent children of deceased veterans if ~~such the~~ unmarried surviving spouses 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 the~~ person eligible for general U.S. department of veterans administration affairs benefits shall be deemed to have served under honorable conditions for the purpose of this subsection and s. 45.37 (1a). The following are designated as war periods:

SECTION 878. 45.351 (1) (title) of the statutes is created to read:

45.351 (1) (title) GRANTS.

SECTION 879. 45.351 (1) (b) of the statutes is repealed and recreated to read:

45.351 (1) (b) 1. Subsistence aid may be provided:

a. On a month-to-month basis.

b. For a 3-month period if the veteran or dependent whose incapacity is the basis for the aid will be incapacitated for more than 3 months and if earned or unearned income or aid from sources other than those listed in the application will not be available in the 3-month period.

2. Subsistence aid is limited to a maximum of 3 months in a 12-month period unless the department determines that the need for subsistence aid in excess of this maximum time period is caused by the aid recipient's relapse.

SECTION 880. 45.351 (2) (title) of the statutes is created to read:

45.351 (2) (title) LOANS.

SECTION 881. 45.351 (2) (a) of the statutes is renumbered 45.351 (2) (a) 1 and amended to read:

45.351 (2) (a) 1. The department may lend any veteran not more than \$4,000 on loans approved before the effective date of this paragraph [revisor inserts date], and \$4,500 on loans approved during the period beginning on the effective date of this paragraph [revisor inserts date]. The loan is to be used for the purchase of a business or business property or the repairing of or adding to his or her home or business property, the construction of a garage, the education of the veteran or his or her children or to provide essential economic assistance if the department determines, after disregarding any payment described under s. 45.85, that the veteran satisfies the need requirements established by the department by rule. The need requirements may include, but are not limited to, consideration of the veteran's resources and credit available upon manageable terms. The department may prescribe loan conditions, but the interest rate shall be 3% per year for loan applications received by the department before July 20, 1985, and the interest rate shall be 6% per year for loan applications received by the department on or after July 20, 1985, and the term shall not exceed 10 years. ~~Loan expense may be charged to the veteran. The department may execute necessary instruments, collect interest and principal, compromise indebtedness, sue and be sued, post bonds and write off indebtedness which it deems uncollectible. Where any loan under this section is secured by a real estate mortgage, the department may exercise the rights of owners and mortgagees generally and the rights and powers set forth in s. 45.72. Interest and repaid principal shall be paid into the veterans trust fund.~~ The department may lend not more than \$4,000 the loan amount available to a veteran under this subdivision to ~~any~~ a veteran's surviving spouse, whether remarried or not, or to the parent of ~~any a~~ deceased veteran's children for the education of ~~such the~~ minor or dependent children if ~~such the~~ surviving spouse or parent is a resident of and living in this state on the date of application.

SECTION 882. 45.351 (2) (a) 2 of the statutes is created to read:

45.351 (2) (a) 2. a. The department may lend a veteran not more than \$10,000 to be used for the purchase of a business or business property or for the establishment or operation of a business including providing necessary working capital or acquiring or purchasing needed machinery, equipment, materials, supplies or services used in producing business income. The department may grant a loan under this subdivision only to a veteran who is or will be devoting full time to the business activities for which the loan is requested. The department shall promulgate rules providing criteria for determining business purposes eligible for a loan and for establishing methods

to secure a loan. The department may prescribe loan conditions, but the interest rate shall be 7% per year and the term shall not exceed 5 years.

b. The department may not grant a loan under this subdivision for more than 20% of the amount needed by the applicant for the purpose for which the loan is made. The applicant must provide at least 5% of the total amount needed for the business purpose from the applicant's own funds. The department may grant a loan to an applicant if the total amount that the applicant will be required to borrow, including the amount loaned under this subdivision, will not exceed \$50,000 and if the applicant is financially able with the aid of those loans and other available credit to finance the business purpose.

c. The department may grant a loan under this subdivision to a veteran who is receiving 100% disability compensation from the U.S. department of veterans affairs due to a permanent and total service-connected disability under 38 USC 301 to 315, 331 to 337 and 351 to 362, if the annual income of the veteran or both the veteran and the veteran's spouse does not exceed 140% of the annual income limit under par. (b).

SECTION 883. 45.351 (2) (a) 3 of the statutes is created to read:

45.351 (2) (a) 3. The department may charge loan expenses incurred under this subsection to a loan applicant.

SECTION 884. 45.351 (2) (a) 4 of the statutes is created to read:

45.351 (2) (a) 4. Nothing in this paragraph prohibits a veteran from receiving loans under subds. 1 and 2 for any purpose specified in those subdivisions.

SECTION 885. 45.351 (2) (b) 1 of the statutes is renumbered 45.351 (2) (b) 2 and amended to read:

45.351 (2) (b) 2. No person may receive a loan under this ~~section subsection~~ if the department determines, after disregarding any payment described under s. 45.85, that the person's annual income exceeds \$500 for each dependent in excess of 2 dependents plus whichever of the following applies:

a. For loans approved before August 1, 1987, \$21,000 the effective date of this subd. 2. a [revisor inserts date], \$25,000.

b. For loans approved during the period beginning August 1, 1987, \$23,000 on the effective date of this subd. 2. b [revisor inserts date], and ending on June 30, 1990, \$28,000.

cm. For loans approved ~~on or after beginning July 1, 1988, \$25,000~~ 1990, \$30,000.

SECTION 886. 45.351 (2) (b) 1 of the statutes is created to read:

45.351 (2) (b) 1. In this paragraph, "income" means the amount of gross income a veteran and spouse are receiving for their regular work together with any income from other sources that may reasonably be expected to continue for the term of the loan.

SECTION 887. 45.351 (2) (b) 2 of the statutes is renumbered 45.351 (2) (b) 3 and amended to read:

45.351 (2) (b) 3. In determining eligibility for loans under this ~~section subsection~~, the department shall verify all reported income amounts by contacting the employer designated by the person, securing a copy of the person's prior year's income tax return or obtaining a profit and loss statement from the person for at least 6 of the 12 months immediately preceding the loan application date.

SECTION 888. 45.351 (2) (d) of the statutes is amended to read:

45.351 (2) (d) The legislature finds that the loan ~~program programs~~ established under this ~~section is a subsection~~ are special purpose credit program programs for an economically disadvantaged class of persons for the purposes of the federal equal credit opportunity act (15 USC 1691-1691f).

SECTION 889. 45.351 (2) (e) of the statutes is amended to read:

45.351 (2) (e) ~~Applications~~ An applicant for loans a loan under this section subsection shall be made apply to an authorized a lender authorized by the department on forms approved by the department, completed and signed by the. The applicant, and, if the applicant is married and not separated or in the process of obtaining a divorce, ~~by the applicant's spouse, shall complete and sign the application.~~

SECTION 890. 45.351 (2) (f) of the statutes is created to read:

45.351 (2) (f) The department may execute necessary instruments, collect interest and principal, compromise indebtedness, sue and be sued, post bonds and write off indebtedness that it deems uncollectible. If a loan under this subsection is secured by a real estate mortgage, the department may exercise the rights of owners and mortgagees generally and the rights and powers set forth in s. 45.72. Interest and repaid principal shall be paid into the veterans trust fund.

SECTION 891. 45.351 (3) of the statutes is renumbered 45.351 (2) (g) and amended to read:

45.351 (2) (g) The department shall satisfy the loan of any veteran who has obtained a loan under s. 45.35 (8b), 1963 stats., from July 11, 1945, to October 1, 1965, or under this ~~section subsection~~ or who obtains a loan under this ~~section subsection~~ in the future ~~where such if the veteran died or dies after July 1, 1963, and before completing repayment thereof of the loan~~ and shall issue a satisfaction of any security instruments executed in connection ~~therewith with the loan~~ and write off the balance of principal, interest and costs owing on ~~such the~~ loan upon the date it received confirmation of the veteran's death. Obligation to repay ~~such a the~~ loan shall terminate on the date of the veteran's death and any payments made thereon to the department after ~~such that~~ date shall be refunded to the payor or heirs, executor or adminis-

trator from the appropriation in s. 20.485 (2) (vm) upon receipt by the department of an application for refund. ~~Nothing in this section empowers the department to incur any state debt.~~

SECTION 892. 45.351 (3) of the statutes is created to read:

45.351 (3) APPROPRIATIONS. The department may award grants and loans under this section from the appropriation in s. 20.485 (2). Nothing in this section empowers the department to incur any state debt.

SECTION 893. 45.351 (4) and (5) of the statutes are repealed.

SECTION 894. 45.353 (2) of the statutes is amended to read:

45.353 (2) Upon application the department shall ~~pay make a payment~~ to any state veterans organization, ~~which that~~ establishes that it, or its national organization, or both, has maintained a full-time service office at the regional office for at least 5 of the 10 years preceding the date of application, ~~a sum~~. The payment shall equal to 25% of all salaries and travel expenses under sub. (3) paid during the previous fiscal year specified under sub. (3) by such the state veterans organization to employees engaged in veterans claims service and stationed at such the regional office, except that the sum paid to each such a state veterans organization annually shall not be less than either \$2,500, or the amount of salaries and travel expenses paid by such the state veterans organization to employees stationed at such the regional office, whichever is less, nor more than \$12,000 \$15,000.

SECTION 895. 45.36 (5m) of the statutes is created to read:

45.36 (5m) DISCLOSURE OF LOAN STATUS INFORMATION. The department may disclose to a consumer reporting agency, as defined in 15 USC 1681a (f), the current repayment status of, the balances due on, and other relevant information pertaining to department loans that is readily accessible from current department computer tapes on any loans on which balances are due and owing the department. The department may charge consumer reporting agencies requesting these computer tapes an amount sufficient to cover all the costs of preparation and delivery of the tapes.

SECTION 896. 45.36 (6) of the statutes is amended to read:

45.36 (6) DISCLOSURE OF OTHER INFORMATION. Except as provided in subs. (2) to (5), all files, records, reports, papers and documents pertaining to applications for benefits from the department, and information contained therein, shall only be released by the department or service office pursuant to rules of the department. ~~Such~~ The rules must provide for the furnishing of information required under sub. (5m) and for official purposes by any agency of the U.S. government, any agency of this state, any law enforcement or public welfare agency of any Wisconsin county, or by members of the state senate and assembly, and will otherwise provide for release of personal information

pertaining to or contained in any application for benefits, whether pending or adjudicated, only where authorized in writing by the applicants or where necessary to assist applicants in securing veterans benefits to which they may be entitled or where necessary for the efficient management of loans made by the department.

SECTION 897. 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 Vietnam service medal established by executive order 11231 on July 8, 1965, the navy expeditionary medal or the marine corps expeditionary medal or who served in Grenada, Lebanon or a Middle East crisis under s. 45.34 or any person who served 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 898. 45.396 (2) of the statutes is amended to read:

45.396 (2) Any veteran upon the completion of any correspondence ~~courses~~ course or part-time classroom study from ~~the university of Wisconsin system, from any other~~ an institution of higher education, ~~as defined in s. 39.32 (1) (a), located in this state which is accredited by the north central association of colleges and schools, from any vocational, technical and adult education school receiving aids from the board of vocational, technical and adult education or from any public or private high school may be reimbursed in whole or in part for the cost of such courses the course, including necessary textbooks, by the department upon presentation to the department of a certificate from the school indicating that the veteran has completed the courses~~ course and stating the cost of ~~such courses the course~~ and necessary textbooks and upon application for reimbursement completed by the veteran and received by the department no later than 60 days after the termination of the course for which the application for reimbursement is made. The department shall accept and process an application received more than 60 days after the termination of the course if the applicant shows good cause for the delayed receipt. The department may not require that an application be received sooner than 60 days after a course is completed. Benefits granted under this sec-

tion shall be paid out of the appropriation under s. 20.485 (2) (vm).

SECTION 899. 45.396 (5) of the statutes is amended to read:

45.396 (5) ~~Such~~ The reimbursement may not exceed the cost of tuition, fees and textbooks and shall also be limited to a maximum of ~~\$270~~ \$300 per course and ~~\$1,000~~ \$1,100 per fiscal year.

SECTION 900. 45.397 of the statutes is created to read:

45.397 Retraining grant program. (1) **GRANT AMOUNT AND APPLICATION.** The department may grant a veteran not more than \$3,000 for retraining to enable the veteran to obtain gainful employment. The department shall determine the amount of the grant based on the veteran's financial need. A veteran may apply for a grant to the county veterans' service officer of the county in which the veteran is living.

(2) **ELIGIBILITY.** The department may make a grant under this section if all of the following apply:

(a) The veteran is enrolled or accepted for enrollment in an institution of higher education, as defined in s. 39.32 (1) (a), in the state.

(b) The veteran meets the financial assistance criteria established under sub. (3) (c).

(c) The veteran is unemployed or has received a notice of termination of employment.

(d) The department determines that the veteran's proposed program will provide retraining that could enable the veteran to find gainful employment.

(3) **RULES.** The department shall promulgate rules for the distribution of grants under this program, including all of the following:

(a) Standard budgets for single and married veterans.

(b) Selection procedures.

(c) Uniform need determination procedures.

(d) Application procedures.

(e) Other provisions the department deems necessary to assure uniform administration of this program.

(4) **ANNUAL EXPENDITURE.** The total amount of grants made under this section may not exceed \$70,000 in any fiscal year, beginning with the 1990-91 fiscal year.

SECTION 901. 45.42 of the statutes is amended to read:

45.42 Burial places compiled. (1) The department may compile a record of the burial places within the state of persons who served in the U.S. armed forces in time of war as defined in s. 45.35 (5) (a) to (g) or in Grenada, Lebanon or a Middle East crisis under s. 45.34, or under section 1 of executive order 10957, dated August 10, 1961, or whose service entitled them 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, the navy expeditionary medal or the marine corps expeditionary medal. The record, so far as practicable, may indicate the name of each person; the service in which engaged; the appropriate designation of armed forces unit; the rank and period of service; the name and location of the cemetery or other place in which the body is interred; the location of the grave in the cemetery or other place; and the character of headstone or other marker, if any, at the grave.

(2) The department may have blank forms prepared whereby the information required for the record may be transmitted to it and may distribute the forms to county veterans' service officers. The county veterans' service officer within whose county and cemetery or burial place is located in which are interred the bodies of persons who served in the U.S. armed forces in time of war as defined in s. 45.35 (5) (a) to (g) or in Grenada, Lebanon or a Middle East crisis under s. 45.34 or under section 1 of executive order 10957, dated August 10, 1961, or whose service entitled them 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, the navy expeditionary medal or the marine corps expeditionary medal shall submit the facts required for such record to the department on the forms provided by it, if so requested by the department.

SECTION 902. 45.43 (7) of the statutes is renumbered 45.43 (7) (a) and amended to read:

45.43 (7) (a) Each county may annually apply to the department for a grant for the improvement of service to ~~ex-servicemen~~ former military personnel of the county through the county veterans' service office. The county veterans' service officer of any county applying for the grant shall enter into an agreement with the department. The agreement shall state the goals and objectives to be attained by the county veterans' service office during the remainder of the year covered by the grant application. The department shall prepare the basic form of this agreement in consultation with the county veterans' service officers association and provide a copy and an explanation of that agreement to each county veterans' service officer. The department shall develop reasonable budget and operating standards to assure ~~such~~ improved services, but full operating control of the county office shall be left to each county. ~~If the department determines that the county making application for such grant meets the standards, and if any county veterans' service officer chosen after August 5, 1973, is chosen from a list of candidates certified by the administrator of the division of merit recruitment and selection in the department of employment relations or is appointed under ch. 63, the department shall pay a grant not exceeding \$3,000 annually to the county.~~

SECTION 903. 45.43 (7) (b) and (c) of the statutes are created to read:

45.43 (7) (b) The department shall award a grant not exceeding \$5,000 annually to a county that meets the standards developed under this subsection and employs a county veterans' service officer who, if chosen after the effective date of this paragraph [revisor inserts date], is chosen from a list of candidates who have taken a civil service examination for the position of county veterans' service officer developed and administered by the division of merit recruitment and selection in the department of employment relations, or is appointed under a civil service competitive examination procedure under ch. 63 or s. 59.07 (20). An eligible county initially applying for a grant after the effective date of this paragraph [revisor inserts date], shall be eligible for an initial grant for the first year not exceeding \$1,000, an annual grant for the next year not exceeding \$3,000 and any subsequent annual grant not exceeding \$5,000.

(c) Notwithstanding par. (b), an eligible county with a part-time county veterans' service officer shall be eligible for an annual grant not exceeding \$500.

SECTION 904. 45.71 (11) of the statutes is repealed.

SECTION 905. 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 Vietnam service medal established by executive order 11231 on July 8, 1965, the navy expeditionary medal or the marine corps expeditionary medal~~ or who served in Grenada, Lebanon or a Middle East crisis under s. 45.34 or any person who served for 90 days or more during a war period as enumerated under subds. 1 to 9 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 906. 45.74 (1) (b) of the statutes is amended to read:

45.74 (1) (b) The amount of \$34,000 for loan applications approved under s. 45.79 during the period beginning on ~~or after~~ April 7, 1987, and ending on the day before the effective date of this paragraph [revisor inserts date], and for loan applications approved under s. 45.80 during the period beginning on ~~or after~~ July 1, 1988, and ending on the day before the effective date of this paragraph [revisor inserts date].

SECTION 907. 45.74 (1) (c) of the statutes is created to read:

45.74 (1) (c) The amount of \$36,500 for loan applications approved under s. 45.79 or 45.80 during the period beginning on the effective date of this paragraph [revisor inserts date], and ending on June 30, 1990.

SECTION 908. 45.74 (1) (d) of the statutes is created to read:

45.74 (1) (d) The amount of \$39,000 for loan applications approved on or after July 1, 1990.

SECTION 909. 45.74 (5) of the statutes is amended to read:

45.74 (5) COST OF HOUSING OR LOAN. 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 or the amount of the loan applied for under s. 45.79 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.~~

SECTION 910. 45.74 (6m) (c) of the statutes is created to read:

45.74 (6m) (c) The person is applying for a loan under s. 45.79 for a purpose under s. 45.76 (1) (c) and the previous loan was made under s. 45.79.

SECTION 911. 45.745 (intro.) of the statutes is amended to read:

45.745 Loans to disabled veterans; qualifying factors. (intro.) A veteran who ~~has secured a special housing grant under 38 USC 801~~ is receiving 100% disability compensation from the U.S. department of veterans affairs under 38 USC 301 to 315, 331 to 337 and 350 to 362 due to a permanent and total ~~service connected~~ service-connected disability may receive a loan under this subchapter if the department or authorized lender determines, after disregarding any payment received under s. 45.85, that all of the following apply:

SECTION 912. 45.745 (1) of the statutes is amended to read:

45.745 (1) ANNUAL INCOME LIMITATION. The annual income of the person or both the person and the person's spouse does not exceed ~~125%~~ 140% of the amount specified under s. 45.74 (1).

SECTION 913. 45.745 (6) (c) of the statutes is created to read:

45.745 (6) (c) The person is applying for a loan under s. 45.79 for a purpose under s. 45.76 (1) (c) and a previous loan was made under s. 45.79.

SECTION 914. 45.76 (1) (intro.) of the statutes is amended to read:

45.76 (1) (title) PRIMARY MORTGAGE LOAN PROGRAM. (intro.) An authorized lender may, with the approval of the department, make loans under s. 45.79 ~~and the department may make loans under s. 45.80 for:~~

SECTION 915. 45.76 (1) (a) 1 of the statutes is amended to read:

45.76 (1) (a) 1. A mobile home or real property on which a mobile home is to be situated, but only if the veteran has available and applies on the total cost of the property, an amount equivalent to at least 15% of the total cost. This subdivision 15% requirement does not apply to a person who qualifies under s. 45.745.

SECTION 916. 45.76 (1) (c) of the statutes is renumbered 45.76 (2) (e).

SECTION 917. 45.76 (1) (c) of the statutes is created to read:

45.76 (1) (c) *Home improvements.* 1. A loan of not more than \$15,000 to improve a home, but not to include any of the following:

- a. Construction of a deck or patio.
- b. Construction of a fireplace, except for necessary repairs or the addition of permanently attached energy efficient equipment to an existing fireplace.
- c. Fencing or landscaping.
- d. Purchase of home appliances.

2. The department may provide home improvement loans under this paragraph funded under s. 45.79 (6) (a) only if the department has received a determination, based on a ruling from the internal revenue service, that using the bond revenue for those loans will not preclude the bonds from being qualified veterans' mortgage bonds, as defined in 26 USC 143.

SECTION 918. 45.76 (1) (d) (title) of the statutes is amended to read:

45.76 (1) (d) (title) *Refinancing.*

SECTION 919. 45.76 (2) (title) of the statutes is amended to read:

45.76 (2) (title) SECONDARY MORTGAGE LOAN PROGRAM.

SECTION 920. 45.76 (2) (a) of the statutes is repealed.

SECTION 921. 45.76 (2) (c) of the statutes is amended to read:

45.76 (2) (c) *Increasing housing loan.* Increasing a housing loan made under s. 45.352, 1971 stats., or under s. 45.80 for a purpose under par. (d) or (e).

SECTION 922. 45.76 (2) (d) of the statutes is created to read:

45.76 (2) (d) *Mobile home purchases.* A mobile home or real property on which a mobile home is to be situated, but only if the veteran has available and applies on the total cost of the property, an amount equivalent to at least 15% of the total cost. This 15% requirement does not apply to a person who qualifies under s. 45.745.

SECTION 923. 45.76 (3) (a) 1 of the statutes is amended to read:

45.76 (3) (a) 1. The total cost of the property exceeds its market value. This subdivision does not apply to a person who qualifies under s. 45.745.

SECTION 924. 45.79 (1) of the statutes is amended to read:

45.79 (1) LOANS AUTHORIZED. An authorized lender or a county veterans' service officer may, as agent for and with the approval of the department, make loans to eligible persons for qualified purposes in the manner provided under this section.

SECTION 925. 45.79 (2) (a) of the statutes is amended to read:

45.79 (2) (a) *Application and content.* Applications for loans under this section for a purpose specified in s. 45.76 (1) (a), (b) or (d) shall be made to an authorized lender and applications for loans under this section for a purpose specified under s. 45.76 (1) (c) shall be made to a county veterans' service officer on forms approved by the department, and signed by the applicant, and, if the applicant is married and not separated or in the process of obtaining a divorce, by the applicant's spouse also shall sign the application.

SECTION 926. 45.79 (2) (c) of the statutes is amended to read:

45.79 (2) (c) *Processing.* After the department has determined that the person applying for the loan is a veteran, the authorized lender or county veterans' service officer shall pass upon the merits of each application and shall forward the application to the department with its recommendation. The department may disallow the loan applied for or approve it in whole or in part and disburse funds in the amount of any loan approved.

SECTION 927. 45.79 (3) (a) (title) and 1 of the statutes are amended to read:

45.79 (3) (a) (title) *First or 2nd mortgage required.*
1. Each loan made under this section shall be evidenced by a promissory instalment note and secured by a mortgage on the real estate in respect to which the loan is granted. Any loan having as its source funds provided through sub. (6) (a) shall have the mortgage name the department as mortgagee and payee. Any loan having as its source funds provided through sub.

(6) (b) shall have the mortgage name the authorized lender involved as mortgagee and payee, and such mortgage and note shall be assigned by the authorized lender to the authority immediately upon execution. All mortgages A mortgage securing a loan made for a purpose specified in s. 45.76 (1) (a), (b) or (d) must have priority over all liens against the mortgaged premises and the buildings and improvements thereon, except tax and special assessment liens filed after the recording of the mortgage. A mortgage securing a loan made for a purpose specified under s. 45.76 (1) (c) may be junior and subject to not more than one prior mortgage, and, except for that prior mortgage, must have priority over all liens against the mortgaged premises and the buildings and improvements on those premises, except tax and special assessment liens filed after the recording of the mortgage.

SECTION 928. 45.79 (6) (c) 3 of the statutes is repealed.

SECTION 929. 45.79 (6) (c) 4 of the statutes is repealed.

SECTION 930. 45.79 (7) (c) of the statutes is amended to read:

45.79 (7) (c) After meeting all expenses and providing for reserves under par. (a) 3, balances in the veterans mortgage loan repayment fund, upon prior approval of the building commission, may be used to fund loans under this section to persons not disqualified from eligibility under s. 45.74 who first served on active duty with the U.S. armed forces on or after January 1, 1977, or who completed their service on active duty with the U.S. armed forces more than 30 years before the date of the loan application, fund home improvement loans under s. 45.76 (1) (c), purchase loans or otherwise advance moneys for the payment of obligations arising from loans funded under sub. (6) (c) 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 available for such that purpose in the funds created under sub. (9). Section 20.001 (3) (e) shall not be construed to prohibit this action.

SECTION 931. 45.79 (8) of the statutes is amended to read:

45.79 (8) **LIMITATION ON REMODELING OR ALTERATION FOR A DISABLED VETERAN.** Not more than 50% of the proceeds of a loan granted under this section for a purpose under s. 45.76 (1) (a) may be used for remodeling or alteration of the housing accommodation after purchase to meet the special needs of a veteran due to a permanent and total service-connected service-connected disability. That portion of the proceeds used for this purpose shall be reserved and distributed by the authorized lender.

SECTION 932. 45.80 (2) (a) of the statutes is amended to read:

45.80 (2) (a) *Purpose.* The loan is for a purpose specified under s. 45.76 (2).

SECTION 933. 45.80 (2) (c) of the statutes is repealed.

SECTION 934. 46.001 of the statutes is amended to read:

46.001 Purposes of chapter. The purposes of this chapter are to conserve human resources in Wisconsin; to provide a just and humane program of services to children in need of protection or services and nonmarital children; to prevent dependency, mental illness, developmental disability, mental infirmity, delinquency, ~~crime~~ and other forms of social maladjustment by a continuous attack on causes; to provide effective aid and services to all persons in need thereof and to assist ~~such~~ those persons to achieve or regain self-dependence at the earliest possible date; to provide a just, humane and efficient program for the rehabilitation of juvenile delinquents ~~and other offenders~~; to avoid duplication and waste of effort and money on the part of public and private agencies; and to coordinate and integrate a social welfare program.

SECTION 935. 46.011 (intro.) of the statutes is amended to read:

46.011 Definitions. (intro.) In chs. 46 to 51 ~~and 53 to, 55 and 58~~, unless the context requires otherwise:

SECTION 936. 46.016 of the statutes is amended to read:

46.016 Cooperation with federal government. The department may cooperate with the United States federal government in carrying out federal acts concerning public assistance, social security, child welfare and youth services, mental hygiene ~~and corrections~~, services for the blind, vocational rehabilitation, and in other matters of mutual concern pertaining to public welfare.

SECTION 937. 46.02 of the statutes is amended to read:

46.02 Agency powers and duties. Any institution which is subject to chs. 46 to 51 ~~and 53 to, 55 and 58~~ and to regulation under ch. 150 shall, in cases of conflict between chs. 46 to 51 ~~and 53 to, 55 and 58~~ and ch. 150, be governed by ch. 150. The department shall establish rules and procedures for resolving any such controversy.

SECTION 938m. 46.03 (1) of the statutes is amended to read:

46.03 (1) **INSTITUTIONS GOVERNED.** Maintain and govern the Mendota and the Winnebago mental health institutes, the Waupun correctional institution, the Columbia correctional institution, the correctional institution authorized under s. 46.05 (1o), the correctional institution authorized under s. 46.046 (1), the Oshkosh correctional institution, the Fox Lake correctional institution, the Green Bay correctional institution, the Taycheedah correctional institution, the minimum security correctional institutions, the Dodge correctional institution, the Ethan Allen school, the Kettle Moraine correctional institution, the Lincoln

Hills school, the Wisconsin workshop for the blind until the date specified in the contract with a nonprofit corporation under s. 47.03 (1m) (a); and the centers for the developmentally disabled.

SECTION 938r. 46.03 (1) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

46.03 (1) INSTITUTIONS GOVERNED. Maintain and govern the Mendota and the Winnebago mental health institutes, the Wisconsin workshop for the blind until the date specified in the contract with a nonprofit corporation under s. 47.03 (1m) (a), and the centers for the developmentally disabled.

SECTION 939. 46.03 (5) (c) of the statutes is repealed.

SECTION 940. 46.03 (6) of the statutes is repealed.

SECTION 940c. 46.03 (7) (a) of the statutes is amended to read:

46.03 (7) (a) Promote the enforcement of laws for the protection of developmentally disabled children, delinquent children, children in need of protection or services and nonmarital children; and to this end cooperate with courts assigned to exercise jurisdiction under ch. 48 and licensed child welfare agencies and institutions (public and private) and take the initiative in all matters involving the interests of such children where adequate provision therefor has not already been made, including the establishment and enforcement of standards for services provided to children who are in aftercare or provided to children as a result of disposition under ss. 48.34 (1), (2m), (3), (4), (4p), (5), (6), (7), (8), (9), (10), (12) and (13) and 48.345 (4) and (5) or as a result of a disposition under s. 48.34 (2) unless the child is placed under the supervision of the department of corrections.

SECTION 940p. 46.03 (7) (am) of the statutes is created to read:

46.03 (7) (am) Direct the aftercare of all delinquents under its legal custody.

SECTION 940q. 46.03 (7) (e) of the statutes is created to read:

46.03 (7) (e) Administer the juvenile offender review program in the division of youth corrections in the department. The program shall be responsible for decisions regarding case planning and the release of juvenile offenders from juvenile correctional institutions to aftercare placements.

SECTION 943. 46.03 (7m) of the statutes is amended to read:

46.03 (7m) FOSTER CARE. For the federal fiscal years commencing October 1, 1988 1990, and October 1, 1989 1991, respectively, ensure that there are no more than 2,500 2,400 and 2,450 2,200 children in foster care placements for more than 24 months, consistent with the best interests of each child. Services provided in connection with this requirement shall comply with the requirements under P.L. 96-272.

SECTION 944. 46.03 (13) (intro.) and (a) of the statutes are consolidated, renumbered 46.03 (13) and amended to read:

46.03 (13) CHARGES. In compliance with the compensation plan established under s. 230.12 (3), have authority to make and determine charges for meals, living quarters, laundry and other services furnished to employees of the several institutions and members of the employee's family maintained as such. All moneys received from each person on account of these services shall be used for operation of the institutions under s. 20.435 (2) (a) and (3) (a). ~~(a) When.~~ If a chaplain employed in any state institution administered by the department is not furnished a residence by the state, \$1,800 or 20 percent 20% of his the chaplain's salary, whichever is greater, shall be deemed to constitute the amount to be paid to him in lieu of such residence is designated as his or her housing allowance.

SECTION 945. 46.03 (16) of the statutes is repealed.

SECTION 946. 46.03 (17) (c) of the statutes is repealed.

SECTION 947. 46.03 (17) (cm) of the statutes is repealed.

SECTION 948. 46.03 (18) (a) of the statutes is amended to read:

46.03 (18) (a) ~~The~~ Except as provided in s. 301.12, the department of health and social services shall establish a uniform system of fees for services provided or purchased by the department of health and social services, the department of corrections, a county department under s. 46.215, 46.22, 51.42 or 51.437, except for services relating to adoption, or services provided to courts, for provision of child support and paternity establishment services to recipients of aid to families with dependent children or for outreach, information and referral services, or where as determined by the department of health and social services, a fee is administratively unfeasible or would significantly prevent accomplishing the purpose of the service. A county department under s. 46.215, 46.22, 51.42 or 51.437 shall apply the fees which it collects under this program to cover the cost of such services. The department of health and social services shall report to the joint committee on finance no later than January 31 of each year on the number of children placed for adoption by the department of health and social services and the costs to the state for services relating to such adoptions.

SECTION 949. 46.03 (31) of the statutes is repealed.

SECTION 950. 46.03 (32) of the statutes is repealed.

SECTION 950w. 46.03 (38) (a) of the statutes, as affected by 1987 Wisconsin Act 413, is repealed and recreated to read:

46.03 (38) (a) Request proposals from persons in this state for studies of the effectiveness of various

program changes, referred to as welfare reform, to the aid to families with dependent children program and the medical assistance program, including the work experience and job training program under s. 49.50 (7j), community work experience programs under s. 49.50 (7m), the requirement under s. 49.50 (7) (f) that certain recipients of aid to families with dependent children with children under age 6 participate in training programs, the requirement under s. 49.50 (7) (g) that certain teenage recipients of aid to families with dependent children remain in school, the modification of the earned income disregard under s. 49.19 (5) (am) and the extension of medical assistance benefits under ss. 49.46 (1) (co) and 49.47 (4) (am), and the state health insurance program pilot projects under s. 146.90 (4m). The studies shall evaluate the effectiveness of the various efforts, including their cost-effectiveness, in helping individuals gain independence through the securing of jobs, the availability of health insurance coverage and providing financial incentives and in identifying barriers to independence.

SECTION 951. 46.03 (38) (b) of the statutes is amended to read:

46.03 (38) (b) Enter into more than one contract for the conduct of studies under this subsection. At least one contract shall meet the federal requirements for evaluating the federal welfare reform waivers. The department shall expend not more than 50% of the funds appropriated under s. 20.435 (4) (6) (br) for the study or studies which are designed solely to meet the federal requirements for evaluating the federal welfare reform waivers. The department shall enter into the contracts on or before January 1, 1989, except that the department shall enter into the contract to evaluate the state health insurance pilot projects on or before July 1, 1989. The department shall ensure that interim reports are submitted on or before January 1, 1990, and final reports are submitted on or before July 1, 1993, to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2), except that the department shall ensure that the final report of the study of the state health insurance pilot projects is submitted on or before January 1, 1991.

SECTION 951m. 46.03 (39) of the statutes is created to read:

Vetoed
in Part

46.03 (39) BUDGETING FOR LONG-TERM CARE. Biennially, beginning in 1990, develop a comprehensive description of the budget for the long-term care programs under ss. 46.266, 46.27, 46.275, 46.277, 46.278, 46.40, 46.48, 46.96, 49.45 (6g) and (6m), 49.46 (2) (a) 4, d and (b) 6, j, 49.47 (6) (a) 1 and 51.421, for institutional services for the chronically mentally ill under ch. 51, and for intermediate care facilities for the mentally retarded, including state centers for the developmentally disabled, that identifies total service needs and itemizes total institutional and noninstitutional funding and policy changes for the groups specified under s. 46.27 (4) (a) 1, a to e. This budget description shall include:

(a) A summary description of the relationship between requests related to institutional and those related to noninstitutional long-term care services, including the percentage of funds devoted to community-integrated care and the percentage of funds devoted to institutional care.

(b) A description of the ways in which the budget will promote community-integrated care and participant choice and limit reliance on institutional care.

(c) A projection of the total number of persons in each group specified under s. 46.27 (4) (a) 1 to be served in each of these programs during each year covered by the budget request.

(d) The projected average cost per person served in each of these programs.

(e) A projection of demographic trends, new federal requirements and any other known factors affecting the need for or cost of long-term care services and a description of how the budget request addresses those need indicators.

(f) A report on actual expenditures in the most recent fiscal year for which data is available and a comparison of these expenditures with the budget projections for that fiscal year.

SECTION 954. 46.032 of the statutes is amended to read:

46.032 Income maintenance administration. County departments under ss. 46.215, 46.22 and 46.23 shall annually enter into a contract with the department detailing the reasonable cost of administering the income maintenance programs under ss. 49.046, 49.19, 49.45 to 49.47 and 49.50 (7) (e) and (7g) and the food stamp program under 7 USC 2011 to 2029 when so appointed by the department. Contracts created under this section control the distribution of payments under s. 20.435 (4) (7) (de) 1 and (nL) in accordance with the reimbursement method established under s. 49.52 (1) (ag) (ad). The department may reduce its payment to any county under s. 20.435 (4) (7) (de) 1 and (nL) if federal reimbursement is withheld due to audits, quality control samples or program reviews.

SECTION 955. 46.034 (3) of the statutes is amended to read:

46.034 (3) With the agreement of the affected county board of supervisors in a county with a single-county department or boards of supervisors in counties with a multicounty department, effective for the contract period beginning January 1, 1980, the department may approve a county with a single-county department or counties participating in a multicounty department to administer a single consolidated aid consisting of the state and federal financial aid available to that county or those counties from appropriations under s. 20.435 (4) (7) (b) and (o) for services provided and purchased by county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437. Under such an agreement, in the interest of improved service coordination and effectiveness, the county board of supervisors in a county with a single-county department or

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county boards of supervisors in counties with a multicounty department may reallocate among county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437 funds that otherwise would be specified for use by a single county department. The budget under s. 46.031 (1) shall be the vehicle for expressing the proposed use of the single consolidated fund by the county board of supervisors in a county with a single-county department or county boards of supervisors in counties with a multicounty department. Approval by the department of this use of the fund shall be in the contract under s. 46.031 (2g). Counties that were selected by the department to pilot test consolidated aids for contract periods beginning January 1, 1978, may continue or terminate consolidation with the agreement of the affected county board of supervisors in a county with a single-county department or county boards of supervisors in counties with a multicounty department.

SECTION 956. 46.035 (1) (a) of the statutes is amended to read:

46.035 (1) (a) The term "existing building" in relation to any conveyance, lease or sublease made under sub. (2) (a) 1, 2 and 3 means all ~~detention~~, treatment, administrative, recreational, infirmary, hospital, vocational and academic buildings; all dormitories and cottages; all storage facilities, heating plants, sewage disposal plants, and such other buildings, structures, facilities and permanent improvements as in the judgment of the secretary are needed or useful for the purposes of the department, and all equipment therefor and all improvements and additions thereto which were erected, constructed or installed prior to the making of such conveyance, lease or sublease.

SECTION 957. 46.035 (1) (b) of the statutes is amended to read:

46.035 (1) (b) The term "new building" in relation to any conveyance, lease or sublease made under sub. (2) (a) 1, 2 and 3 means all ~~detention~~, treatment, administrative, recreational, infirmary, hospital, vocational and academic buildings; all dormitories and cottages; all storage facilities, heating plants, sewage disposal plants, and such other buildings, structures, facilities and permanent improvements as in the judgment of the secretary are needed or useful for the purposes of the department, and all equipment therefor and all improvements and additions thereto which are erected, constructed or installed after the making of such conveyance, lease or sublease.

SECTION 957m. 46.036 (4) (c) of the statutes is amended to read:

46.036 (4) (c) Unless waived by the department, biennially, or annually if required under federal law, provide the purchaser with a certified financial and compliance audit report if the care and services purchased exceed \$25,000. The audit shall follow standards that the department prescribes. A purchaser may waive the requirements of this paragraph for any

family-operated group home, as defined under par. (a), from which it purchases services.

SECTION 958. 46.038 of the statutes is created to read:

46.038 Electronic monitoring; contracts with counties. The department may contract with counties to provide electronic monitoring services relating to criminal offenders. The department shall charge a fee to counties for providing these services. The department may charge a fee to offenders under its supervision to cover the costs associated with electronic monitoring. The department shall set the fees under this section by rule.

SECTION 959. 46.038 of the statutes, as created by 1989 Wisconsin Act (this act), is renumbered 301.135.

SECTION 959g. 46.039 of the statutes is created to read:

46.039 Treatment program at one or more juvenile correctional institutions. The department shall maintain a cottage-based intensive alcohol and other drug abuse program at one or more juvenile correctional institutions.

SECTION 959ga. 46.039 of the statutes, as created by 1989 Wisconsin Act (this act), is renumbered 301.207.

SECTION 960c. 46.043 of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed.

SECTION 960m. 46.043 (6) of the statutes is created to read:

46.043 (6) This section does not apply to the establishment of the correctional institution under s. 46.046 (1) unless construction or expansion of facilities is involved.

SECTION 961. 46.045 of the statutes is renumbered 301.13 and amended to read:

301.13 Minimum security correctional institutions. The department may establish and operate minimum security correctional institutions. The secretary may allocate and reallocate existing and future facilities as part of these institutions. The institutions are subject to s. ~~46.03(1)~~ 301.02 and are state prisons as defined in s. ~~53.01~~ 302.01. Inmates from Wisconsin state prisons may be transferred to these institutions and they shall be subject to all laws pertaining to inmates of other penal institutions of the state. Officers and employees of the institutions shall be subject to the same laws as pertain to other penal institutions. Inmates shall not be received on direct commitment from the courts. In addition to the exemptions under s. 13.48 (13), construction or establishment of facilities at institutions which are community correctional residential centers initially established prior to July 2, 1983, 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. The department shall establish a procedure for soliciting responses from interested

communities and persons regarding potential sites for the institutions under this section, except the procedure does not apply to the 125-bed community correctional center in the city of Waupun. The department shall consider locations proposed under this procedure and may consider any other locations on its own initiative. The department need not promulgate rules regarding the site consideration procedures under this paragraph section.

SECTION 961m. 46.046 of the statutes is created to read:

46.046 Community residential confinement. (1) **INSTITUTION STATUS.** The department shall establish and operate a community residential confinement program as a correctional institution under the charge of a superintendent. Under the program, the department shall confine prisoners in their places of residence or other places designated by the department. The secretary may allocate and reallocate existing and future facilities as part of the institution. The institution is subject to s. 46.03 (1) and is a state prison as defined in s. 53.01. Construction or establishment of the institution shall be in compliance with all state laws except s. 32.035 and ch. 91. In addition to the exemptions under s. 13.48 (13), construction or establishment of facilities for the institution are not 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.

(2) **INMATE, OFFICER AND EMPLOYEE STATUS.** Inmates confined under sub. (1) are under the care and control of the institution, subject to its rules and discipline and subject to all laws pertaining to inmates of other correctional institutions. Courts may not directly commit persons to the institution under sub. (1). Officers and employees of the institution are subject to the same laws pertaining to other correctional institutions.

(3) **ELIGIBILITY.** The department shall determine those prisoners who are confined under sub. (1). A prisoner is eligible for this confinement only under all of the following conditions:

(a) The prisoner agrees to the confinement prior to being confined under sub. (1).

(b) The prisoner agrees to pay any fee charged under s. 46.038.

(c) The prisoner is not serving a life sentence.

(d) The prisoner is eligible for parole under s. 57.06 (1) (b).

(4) **NOTIFICATION.** Before a prisoner is confined under sub. (1), the department shall notify the police chief of any community and the sheriff and district attorney of any county where the prisoner will be confined.

(5) **ELECTRONIC SURVEILLANCE.** The department shall monitor any prisoner's confinement under sub. (1) by the use of an electronic device worn continuously on the prisoner's person, except the department

may permit the prisoner to leave confinement under s. 56.065 or 56.068 without the device.

(6) **ESCAPE.** Any intentional failure of a prisoner to remain within the extended limits of his or her confinement or to return within the time prescribed by the superintendent is considered an escape under s. 946.42 (3) (a).

SECTION 961mb. 46.046 of the statutes, as created by 1989 Wisconsin Act (this act), is renumbered 301.046, and 301.046 (1), (3) (b) and (d) and (5), as renumbered, are amended to read:

301.046 (1) **INSTITUTION STATUS.** The department shall establish and operate a community residential confinement program as a correctional institution under the charge of a superintendent. Under the program, the department shall confine prisoners in their places of residence or other places designated by the department. The secretary may allocate and reallocate existing and future facilities as part of the institution. The institution is subject to s. ~~46.03 (1)~~ 301.02 and is a state prison as defined in s. ~~53.01~~ 302.01. Construction or establishment of the institution shall be in compliance with all state laws except s. 32.035 and ch. 91. In addition to the exemptions under s. 13.48 (13), construction or establishment of facilities for the institution are not 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.

(3) (b) The prisoner agrees to pay any fee charged under s. ~~46.038~~ 301.135.

(d) The prisoner is eligible for parole under s. ~~57.06~~ 304.06 (1) (b).

(5) **ELECTRONIC SURVEILLANCE.** The department shall monitor any prisoner's confinement under sub. (1) by the use of an electronic device worn continuously on the prisoner's person, except the department may permit the prisoner to leave confinement under s. ~~56.065 or 56.068~~ 303.065 or 303.068 without the device.

SECTION 962. 46.047 of the statutes is renumbered 301.15.

SECTION 963. 46.049 of the statutes is renumbered 301.20 and amended to read:

301.20 Training school for delinquent boys. The department, with the approval of the governor, may purchase or accept a gift of land for a suitable site for an additional training school for delinquent boys and erect and equip such buildings as it deems necessary at such time as funds may be allocated for that purpose by the building commission. ~~Such~~ The training school or other additional facilities for delinquent boys financed by the authorized 1965-67 building program shall be located north of a line between La Crosse and Manitowoc. ~~Such~~ The department shall operate and ~~maintain the institution when constructed shall be maintained and operated by the department~~ for the treatment of delinquent boys committed to the department under s. 48.34. All laws pertaining to the care of

children received under s. 48.34 shall apply. Officers and employees of the institution are subject to the same laws as apply to other facilities described in s. 48.52 48.557.

SECTION 964. 46.05 of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 301.16.

SECTION 964m. 46.05 (1o) (c) of the statutes is created to read:

46.05 (1o) (c) The department shall use the correctional institution under this subsection as a drop-off center for persons who must be transported to the reception center at the Dodge correctional institution.

SECTION 965. 46.051 of the statutes is renumbered 301.21, and 301.21 (3), (4) and (6), as renumbered, are amended to read:

301.21 (3) Any hearing to consider parole to which an inmate confined under this contract may be entitled by the laws of Wisconsin will be conducted by the Wisconsin parole ~~board~~ commission under rules of the department.

(4) Sections 16.75 and ~~46.036~~ 301.08 (2) do not apply to contracts entered into under sub. (1).

(6) This section constitutes legislative approval for purposes of s. ~~53.26~~ 302.26.

SECTION 966c. 46.052 of the statutes is repealed.

SECTION 967. 46.053 of the statutes is renumbered 301.14 and amended to read:

301.14 State-local shared correctional facilities. In cooperation with any county or group of counties, the department may contract for the establishment and operation of state-local shared correctional facilities under s. ~~53.45~~ 302.45. Except as provided in s. ~~53.45~~ 302.45 (4), the secretary may allocate and reallocate existing and future facilities as state-local shared correctional facilities. The shared facilities shall be institutions under s. ~~46.03~~ (1) 301.02 and shall be prisons under s. ~~53.04~~ 302.01. Inmates from Wisconsin state prisons may be transferred to these facilities and, except as to any separate rules established in the contract governing a shared facility, shall be subject to all laws pertaining to inmates of other penal institutions of this state. Officers and employees of the facilities shall be subject to the same laws as pertain to other penal institutions. Inmates may not be received on direct commitment from the courts.

SECTION 968. 46.054 of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 301.19.

SECTION 968g. 46.054 (title) of the statutes is amended to read:

46.054 (title) Prisoner population limits; specified state prisons.

SECTION 968p. 46.054 (1) (f) of the statutes is created to read:

46.054 (1) (f) The Wisconsin resource center shall not exceed a 165-bed capacity.

SECTION 968r. 46.055 of the statutes is created to read:

46.055 Prisoner population limits; all state prisons.

(1) PRISONER POPULATION LIMIT. Beginning May 1, 1990, there is a prisoner population limit applicable to the number of prisoners at all state prisons. For calculations under this section, the number of prisoners includes all prisoners physically located at a state prison, but does not include any prisoner who is confined in the institution authorized under s. 46.046 (1). From May 1, 1990, to May 31, 1991, the prisoner population limit is 6,360 and thereafter the limit is 6,386, except the department may modify the limit by rule to reflect changes in prison population capacity.

(2) PRISONER POPULATION COUNTS. Beginning May 4, 1990, the department shall conduct a count, in accordance with sub. (1), of the prisoners present at or about 12:01 a.m. each Friday. ~~If any prisoner population count exceeds the prisoner population limit under sub. (1), the department shall use its parole authority and the community residential confinement program to reduce the prisoner population count. Except as provided in sub. (3), the prisoner population count may exceed the prisoner population limit for no more than 5 consecutive prisoner population counts.~~ **Vetoed in Part**

(3) EMERGENCY CIRCUMSTANCES. The department may continue to exceed the prisoner population limit upon notification to the governor and the joint committee on finance that ~~emergency~~ circumstances require that the limit be exceeded. If the prisoner population is not within the limit within 90 days after any such notice is provided, the department shall report to the governor and the joint committee on finance describing the ~~continuing emergency~~ circumstances and the actions that have been and will be taken to bring the prisoner population within the limit. ~~If the prisoner population is not within the limit within 90 days after any report is provided under this subsection, the department shall again report as required under this subsection.~~ **Vetoed in Part**

SECTION 968rc. 46.055 of the statutes, as created by 1989 Wisconsin Act (this act), is renumbered 301.055, and 301.055 (1), as renumbered, is amended to read:

301.055 (1) PRISONER POPULATION LIMIT. Beginning May 1, 1990, there is a prisoner population limit applicable to the number of prisoners at all state prisons. For calculations under this section, the number of prisoners includes all prisoners physically located at a state prison, but does not include any prisoner who is confined in the institution authorized under s. ~~46.046~~ 301.046 (1). From May 1, 1990, to May 31, 1991, the prisoner population limit is 6,291 and thereafter the limit is 6,126, except the department may modify the limit by rule to reflect changes in prison population capacity.

SECTION 969d. 46.056 of the statutes is amended to read:

46.056 Wisconsin resource center. The department shall establish the Wisconsin resource center on the grounds of the Winnebago mental health institute near Oshkosh. ~~The subunit of Notwithstanding s. 301.03, the department responsible for community services shall have responsibility for inmates transferred under s. 53.055 administering the center as a correctional institution that provides psychological evaluations, specialized learning programs, training and supervision for inmates whose behavior presents a serious problem to themselves or others in state prisons and whose mental health needs can be met at the center.~~

SECTION 970. 46.057 of the statutes is renumbered 301.28, and 301.28 (1), as renumbered, is amended to read:

301.28 (1) In this section, "correctional officer" means any person classified as a correctional officer employed by the state whose principal duty is the supervision of inmates at a prison, as defined in s. 53.04 ~~302.01~~.

SECTION 971. 46.058 (1) of the statutes is amended to read:

46.058 (1) The steward of each institution under the control of the department shall execute and file an official bond in such sum and with such sureties as the secretary prescribes. ~~He~~ The steward shall also require any other officer or other person having the possession or custody of any money or property belonging to the state or any institution under its control or supervision to give an official bond, and from time to time renew the same bond. The secretary may require a position bond whenever it appears ~~to him~~ advisable, such to him or her. The position bond to shall have the same coverage as the official bond.

SECTION 972. 46.058 (2) of the statutes is amended to read:

46.058 (2) ~~The warden and the superintendent of all the state charitable, and curative, penal and reformatory institutions and of county hospitals and county homes, and such the employees under them to whom they delegate police power, may arrest any person within or upon the grounds of such institutions whom they have reason to believe guilty of any offense against the laws or regulations governing the same institutions; and for such that purpose they shall possess the powers of constables.~~

SECTION 973. 46.059 of the statutes is renumbered 301.17.

SECTION 974. 46.06 (3a) of the statutes is renumbered 301.24 (6).

SECTION 975. 46.06 (4m) of the statutes is renumbered 301.24 (4m).

SECTION 976. 46.065 of the statutes is repealed.

SECTION 977. 46.066 (1) of the statutes is amended to read:

46.066 (1) Subject to reasonable exercise of the privilege, ~~clergymen~~ members of the clergy of all reli-

gious faiths shall be given an opportunity, at least once each week, to conduct religious services within the state institutions ~~at least once each week, attendance under the control of the department. Attendance at such the services to be is~~ voluntary.

SECTION 978. 46.07 (title) of the statutes is repealed.

SECTION 979. 46.07 (1) of the statutes is renumbered 46.07 and amended to read:

46.07 (title) Property of patients. All money including wages ~~under ss. 46.064, 46.065 and 53.12~~ and other property delivered to an officer or employee of any institution for the benefit of ~~an inmate~~ a patient shall forthwith be delivered to the steward, who shall enter the same upon the steward's books to the credit of the ~~inmate~~ patient. The property shall be used only under the direction and with the approval of the superintendent ~~or warden~~ and for the crime victim and witness assistance surcharge under s. 973.045 (4) or the benefit of the ~~inmate~~ patient. If the money remains uncalled for for one year after the ~~inmate's~~ patient's death or departure from the institution, the superintendent shall deposit the same in the general fund. If any ~~inmate~~ patient leaves property, other than money, uncalled for at an institution for one year, the superintendent shall sell the property, and the proceeds shall be deposited in the general fund. If any person satisfies the department, within 5 years after the deposit, of his or her right to the deposit, the department shall direct the department of administration to draw its warrant in favor of the claimant and it shall charge the same to the appropriation made by s. 20.913 (3) (c).

SECTION 980. 46.07 (1m) of the statutes is renumbered 301.32 (2) and amended to read:

301.32 (2) CENTRAL RECEPTION UNIT; EXCEPTION. Notwithstanding sub. (1) and s. 53.13 ~~302.13~~, an inmate account need not be opened or maintained for an inmate placed at the central reception unit at the Dodge correctional institution.

SECTION 981. 46.07 (2) of the statutes is renumbered 301.32 (3) and amended to read:

301.32 (3) (title) PROPERTY DELIVERED TO EMPLOYEE.
(a) All money or other property paid or delivered to a probation ~~officer~~ and parole agent or other employee of the department by or for the benefit of any person on probation or parole shall be immediately transmitted to the department and it shall enter the same upon its books to his or her credit. ~~Such~~ The property shall be used only under the direction of the department.

(b) If he or she absconds, the money shall be credited to the revolving fund created by s. ~~57.075~~ 304.075; and other property if not called for within one year shall be sold by the department and the proceeds shall be credited to ~~said~~ the fund.

(c) If any person, within 5 years after such crediting of funds, satisfies the department that he or she is entitled thereto, the department shall certify the amount thereof to the department of administration for pay-

ment to the claimant from the appropriation made by s. 20.435 (3) 20.410 (1) (g).

SECTION 982. 46.09 (1) of the statutes is amended to read:

46.09 (1) STEWARD AS BUSINESS MANAGER. The steward of each institution ~~shall be under the control of the department~~ is the local business manager and requisitioning officer, subject to the direction and the rules and regulations of the department, and within the limits of the approved monthly estimates shall purchase ~~(as provided in ss. 16.70 to 16.82)~~ all necessary materials and supplies. ~~He, as provided in ss. 16.70 to 16.82.~~ The steward shall have the immediate charge of all books, accounts, papers and records relating to ~~its~~ the institution's financial management, shall keep detailed accounts of all receipts and expenditures, and shall be responsible for the safe-keeping and economical use of all stores and supplies.

SECTION 983. 46.09 (2) of the statutes is amended to read:

46.09 (2) BUTTER AND CHEESE. No butter or cheese not made wholly and directly from pure milk or cream, salt and harmless coloring matter shall be used in any of the institutions of the state, except for the institution authorized under s. 46.046 (1).

SECTION 983c. 46.09 (2) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

46.09 (2) BUTTER AND CHEESE. No butter or cheese not made wholly and directly from pure milk or cream, salt and harmless coloring matter may be used in any of the institutions of the department.

SECTION 984. 46.10 (2m) of the statutes is amended to read:

46.10 (2m) The liability specified in sub. (2) shall not apply to tuberculosis patients receiving care, maintenance, services and supplies under s. 58.06 and ch. 149, to persons 18 and older receiving care, maintenance, services and supplies provided by prisons named in s. ~~53.04~~ 302.01 or to parents of a minor who receives care for alcohol or drug abuse under s. 51.47 (1) without consent of the minor's parent or guardian.

SECTION 985. 46.10 (8) (i) of the statutes is amended to read:

46.10 (8) (i) Pay quarterly from the appropriation under s. 20.435 (2) (gk) and (4) (7) (gg) the collection moneys due county departments under ss. 51.42 and 51.437. Payments shall be made as soon after the close of each quarter as is practicable.

SECTION 986. 46.11 of the statutes is repealed.

SECTION 987. 46.16 (1) of the statutes is amended to read:

46.16 (1) GENERALLY. The department shall investigate and supervise all the charitable, and curative, reformatory and penal institutions, including county infirmaries of every county and municipality ~~(except tuberculosis sanatoriums); all detention homes and~~

shelter care facilities for children and all industrial schools, hospitals, asylums and institutions, organized for the purpose set forth in s. 58.01, and familiarize itself with all the circumstances affecting their management and usefulness.

SECTION 988. 46.16 (4) of the statutes is amended to read:

46.16 (4) (title) MENTAL HEALTH INSTITUTIONS. ~~It~~ The department shall visit all places in which ~~persons convicted or suspected of crime or mentally ill persons are confined, and ascertain their arrangement for the separation of the hardened criminals from juvenile offenders and persons suspected of crime or detained as witnesses committed or admitted;~~ collect statistics concerning the inmates residents, their treatment, and employment and reformation; and collect information of other facts and considerations affecting the increase or decrease of ~~crime and~~ mental illness.

SECTION 989. 46.17 (1) of the statutes is amended to read:

46.17 (1) The department shall fix reasonable standards and regulations for the design, construction, repair and maintenance of county homes, county infirmaries, county hospitals, mental health facilities, ~~houses of correction, reforestation camps maintained under s. 56.07, jails as defined in s. 53.30, extensions of jails under s. 59.68 (7), rehabilitation facilities under s. 59.07 (76), lockup facilities as defined in s. 53.30 and, on or after January 1, 1985, Huber facilities under s. 56.09, and juvenile detention homes and shelter care facilities, with respect to their adequacy and fitness for the needs which they are to serve.~~

SECTION 990. 46.18 (8) of the statutes is amended to read:

46.18 (8) BOOKKEEPING. The department of corrections shall formulate a system of keeping the books, accounts and records for houses of correction, and shall furnish blanks for reports, and reports shall be made accordingly. For the other institutions listed in sub. (1), the department of health and social services shall formulate a system of keeping the books, accounts and reports, and shall furnish blanks for reports, and reports shall be made accordingly.

SECTION 991. 46.18 (9) of the statutes is amended to read:

46.18 (9) REPORTS; ACCOUNTS. The trustees shall install a system of accounting and reporting, under the supervision of the department of health and social services or, in the case of houses of correction, the department of corrections, and shall conduct its business in conformity therewith; ~~and the department.~~ The department of health and social services may from time to time audit the books, records, documents, accounts and transactions of each institution other than a house of correction and the department of corrections may from time to time audit the books, records, documents, accounts and transactions of each house of correction.

SECTION 992. 46.18 (10) of the statutes is amended to read:

46.18 (10) ANNUAL REPORT. On July 1 of each year the trustees shall prepare a report for the preceding fiscal year and shall transmit a copy to the department of health and social services or, in the case of houses of correction, the department of corrections, a copy to the county clerk, and keep a copy on file at the institution. ~~Such~~ The report shall be accompanied by an inventory of all properties on hand on the last day of the fiscal year, an estimate of the receipts and expenditures for the current fiscal year, and the reports of the superintendent and visiting physician, of the institution.

SECTION 993. 46.20 (3) of the statutes is amended to read:

46.20 (3) Upon approval of the site, plans and specifications, as provided in s. 149.01 as to tuberculosis sanatoriums and ~~s. ss. 46.17 and 301.37~~, as to other institutions the joint committee shall report to the several county boards the estimated cost of ~~said~~ the site and buildings, and the amount thereof chargeable to each county on the basis set forth in sub. (6) (a), appending to each report a copy of the plans and specifications and all matter relating to ~~said~~ the site and buildings; and if the ~~said~~ report ~~shall be~~ is approved by each county board, the joint committee shall purchase ~~said~~ the site and cause ~~said~~ the buildings to be erected in accordance with the plans and specifications.

SECTION 994. 46.20 (8) of the statutes is amended to read:

46.20 (8) The trustees shall transmit one copy of their annual report of the tuberculosis sanatorium to the department ~~and of health and social services~~. The trustees shall transmit one copy of the report of other county institutions to the department of health and social services or, in the case of houses of correction, the department of corrections, one copy to the clerk of each joint county, and shall file one copy at the institution. ~~It~~ The report shall be itemized with respect to the several counties and shall, in addition to the requirements of s. 46.18 (7) to (10), include an itemized statement showing the amounts of the receipts and profits credited and expenditures charged to the several counties for the past fiscal year, and an estimate of ~~such~~ those amounts for the ensuing fiscal year; and each county board shall provide for meeting its estimated share of ~~said~~ the expenditures.

SECTION 995. 46.206 (1) (bm) of the statutes is amended to read:

46.206 (1) (bm) All records of the department relating to aid provided under s. 49.177, 49.19, 49.46, 49.465, 49.468 or 49.47 are open to inspection at reasonable hours by members of the legislature who require the information contained in the records in pursuit of a specific state legislative purpose. All records of any county relating to aid provided under s. 49.177, 49.19, 49.46, 49.465, 49.468 or 49.47 are open to inspection at reasonable hours by members of the

board of supervisors of the county or the governing body of a city, village or town located in the county who require the information contained in the records in pursuit of a specific county or municipal legislative purpose. The right to records access provided by this paragraph does not apply if access is prohibited by federal law or regulation or if this state is required to prohibit such access as a condition precedent to participation in a federal program in which this state participates.

~~SECTION 995m. 46.21 (3) (c) of the statutes is amended to read:~~

~~46.21 (3) (c) The director shall administer the long-term support community options program under s. 46.27, if designated the administering agency under s. 46.27 (4) (b) (4m).~~

SECTION 996. 46.21 (6) (a) of the statutes is amended to read:

46.21 (6) (a) Annually at anytime between July 1 and July 31, the director and the department heads appointed under sub. (4) shall submit annual reports to the county board of supervisors, including itemized statements of receipts and disbursements for the preceding calendar year. ~~Such~~ The director and each department head shall maintain the uniform system of books, accounts, records and reports prescribed by the department of health and social services or the department of corrections, conforming in all respects with s. 46.18 (9) and requirements of the county auditor and county department of administration.

SECTION 996k. 46.215 (1) (q) of the statutes is created to read:

46.215 (1) (q) If the county board of supervisors establishes an integrated service program for children with severe disabilities under s. 59.07 (147), to participate in and administer an integrated service program for children with severe disabilities under s. 59.07 (147), including entering into any written interagency agreements or contracts.

SECTION 997. 46.215 (2) (c) of the statutes is amended to read:

46.215 (2) (c) A county department of social services shall submit to the department of health and social services plans and contracts for care and services to be purchased. The contracts shall be developed under s. 46.036. The department of health and social services shall review such contracts and approve them if they are consistent with s. 46.036 and if state or federal funds are available for such purposes. The joint committee on finance may require the department of health and social services to submit such contracts to the committee for review and approval. The department of health and social services may not make any payments to a county for programs included in a contract under review by the committee. The department of health and social services shall reimburse each county for such approved contracts from the appropriations under s. 20.435 (4) (7) (b) and

Vetoed
in Part

(o) or under s. 20.435 (4) (7) (cd), as appropriate, under s. 49.52.

SECTION 998. 46.22 (1) (am) of the statutes is amended to read:

46.22 (1) (am) *Funding for multicounties.* State social services funding under s. 20.435 (4) (7) (b) is not available to counties which establish a multicounty department of social services until the counties have drafted a contractual agreement, approved by the secretary, setting forth the plans for direct sponsorship and have drafted a proposed budget under par. (b) 8.

SECTION 998k. 46.22 (1) (b) 9 of the statutes is amended to read:

Vetoed
in Part

46.22 (1) (b) 9. To administer the long-term support community options program ~~single~~ under s. 46.27 (2) (b) 1 or jointly under s. 46.27 (3) (b) 5, as (4m), if so designated by the county board of supervisors in a county with a single county department of social services or the county boards of supervisors in counties with a multicounty department of social services.

SECTION 998m. 46.22 (1) (b) 15 of the statutes is created to read:

46.22 (1) (b) 15. If the county board of supervisors establishes an integrated service program for children with severe disabilities under s. 59.07 (147), to participate in and administer an integrated service program for children with severe disabilities under s. 59.07 (147), including entering into any written interagency agreements or contracts.

SECTION 999m. 46.22 (1) (c) 2 of the statutes is amended to read:

46.22 (1) (c) 2. Subdivision 1 does not authorize the county department of social services to make investigations regarding admission to or release from the Waupun correctional institution, the Columbia correctional institution, the correctional institution authorized under s. 46.05 (1o), the correctional institution authorized under s. 46.046 (1), the Oshkosh correctional institution, the Green Bay correctional institution, the Dodge correctional institution, the Taycheedah correctional institution, county houses of correction, jails, detention homes or reforestation camps.

SECTION 999n. 46.22 (1) (c) 2 of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

46.22 (1) (c) 2. Subdivision 1 does not authorize the county department of social services to make investigations regarding admission to or release from the Waupun correctional institution, the Columbia correctional institution, the correctional institution authorized under s. 301.16 (1o), the correctional institution authorized under s. 301.046 (1), the Oshkosh correctional institution, the Green Bay correctional institution, the Dodge correctional institution, the Taycheedah correctional institution, county houses of correction, jails, detention homes or reforestation camps.

SECTION 1000. 46.22 (1) (c) 8. d of the statutes is amended to read:

46.22 (1) (c) 8. d. Upon the request of the department of ~~health and social services~~ corrections and under its direction, the county department of social services shall assume the oversight of any juvenile under parole from or otherwise subject to the supervision of any state institution.

SECTION 1001. 46.22 (1) (e) 1 of the statutes is amended to read:

46.22 (1) (e) 1. In order to ensure the availability of a full range of care and services, a county department of social services may contract, either directly or through the department of health and social services or the department of corrections, with public or voluntary agencies or others to purchase, in full or in part, care and services which the county department of social services is authorized by any statute to furnish in any manner. ~~Such~~ The services may be purchased from the department of health and social services or the department of corrections if the department of health and social services or the department of corrections has staff to furnish the services. The county department of social services, if it has adequate staff, may sell ~~such~~ the care and services directly to another county or state agency.

SECTION 1002. 46.22 (1) (e) 2 of the statutes is amended to read:

46.22 (1) (e) 2. A county department of social services may purchase development and training services from the department of health and social services or the department of corrections or from other county agencies if ~~such~~ the services are available or sell ~~such~~ the development and staff training services to another county or state agency if the county department of social services has adequate staff to provide ~~such service~~ the services.

SECTION 1003. 46.22 (1) (e) 3 of the statutes is amended to read:

46.22 (1) (e) 3. A county department of social services shall submit to the department of health and social services plans and contracts for care and services to be purchased. Such contracts shall be developed under s. 46.036. The department of health and social services shall review such contracts and approve them if they are consistent with s. 46.036 and to the extent that state or federal funds are available for such purposes. The joint committee on finance may require the department of health and social services to submit the contracts to the committee for review and approval. The department of health and social services may not make any payments to a county for programs included in the contract which is under review by the committee. The department of health and social services shall reimburse each county for such approved contracts from the appropriations under s. 20.435 (4) (7) (o) or under s. 20.435 (4) (7) (cd),

according to s. 49.52, or from the appropriation under s. 20.435 (4) (7) (b).

SECTION 1004. 46.25 (1) of the statutes is amended to read:

46.25 (1) There is created a child and spousal support and establishment of paternity and medical liability support program in the department. The purpose of this program is to establish paternity when possible, to establish or modify support obligations, to enforce support obligations owed by parents to their children and maintenance obligations owed to spouses or former spouses with whom the children reside in this state or owed in other states if the support order was issued in this state or owed in other states if the parent, spouse or former spouse resides in this state, to locate persons who are alleged to have taken their child in violation of s. 948.31 or of similar laws in other states, and to locate and value property of any person having a support duty. To accomplish the objectives of this program and of other assistance programs under ch. 49, county and state agencies will cooperate with one another to implement a child and spousal support and paternity establishment program in accordance with state and federal laws, regulations and rules and to assure proper distribution of benefits of all assistance programs authorized under ch. 49.

SECTION 1005. 46.25 (2m) of the statutes is amended to read:

46.25 (2m) The department may request from any person any information it determines appropriate and necessary for the administration of this section, ss. 49.19, 49.46, 49.468 and 49.47 and programs carrying out the purposes of 7 USC 2011 to 2029. Any person in this state shall provide this information within 7 days after receiving a request under this subsection. The department or the county child and spousal support agency may disclose information obtained under this subsection only in the administration of this section, ss. 49.19, 49.46 and 49.47 and programs carrying out the purposes of 7 USC 2011 to 2029.

SECTION 1006. 46.25 (7) (a) of the statutes is amended to read:

46.25 (7) (a) Before January 1, 1990, the department may represent the state in any action to establish paternity or to establish or enforce a support or maintenance obligation, including maintenance under s. 49.90 (1) (a) 2. The department may delegate its authority to represent the state in any action to establish paternity or to establish or enforce a support or maintenance 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). The department shall ensure that any such contract is for an amount reasonable and necessary to assure quality service. The department may, by such a contract, authorize a county to contract with any attorney, collection agency or other person to collect unpaid child support or maintenance. If a county fails to fully

implement the programs under s. 59.07 (97), the department may implement them and may contract with any appropriate person to obtain necessary services. The department shall establish a formula for disbursing funds appropriated under s. 20.435 (4) (7) (p) to carry out a contract under this subsection.

SECTION 1007. 46.25 (7) (a) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

46.25 (7) (a) Before January 1, 1990, the department may represent the state in any action to establish paternity or to establish or enforce a support or maintenance obligation, including maintenance under s. 49.90 (1) (a) 2. The department may delegate its authority to represent the state in any action to establish paternity or to establish or enforce a support or maintenance obligation under this section to an attorney responsible for support enforcement under s. 59.458 (1) pursuant to a contract entered into under s. 59.07 (97). The department shall ensure that any such contract is for an amount reasonable and necessary to assure quality service. The department may, by such a contract, authorize a county to contract with any attorney, collection agency or other person to collect unpaid child support or maintenance. If a county fails to fully implement the programs under s. 59.07 (97), the department may implement them and may contract with any appropriate person to obtain necessary services. The department shall establish a formula for disbursing funds appropriated under s. 20.435 (7) (p) to carry out a contract under this subsection.

SECTION 1008. 46.25 (7) (b) of the statutes is amended to read:

46.25 (7) (b) After December 31, 1989, the department may represent the state in any action to establish paternity or to establish or enforce a support or maintenance obligation. The department may delegate its authority to represent the state in any action to establish paternity or to establish or enforce a support or maintenance 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). The department shall ensure that any such contract is for an amount reasonable and necessary to assure quality service. The department may, by such a contract, authorize a county to contract with any attorney, collection agency or other person to collect unpaid child support or maintenance. If a county fails to fully implement the programs under s. 59.07 (97), the department may implement them and may contract with any appropriate person to obtain necessary services. The department shall establish a formula for disbursing funds appropriated under s. 20.435 (4) (7) (p) to carry out a contract under this subsection.

SECTION 1009. 46.25 (7) (b) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

46.25 (7) (b) After December 31, 1989, the department may represent the state in any action to establish paternity or to establish or enforce a support or maintenance obligation. The department may delegate its authority to represent the state in any action to establish paternity or to establish or enforce a support or maintenance obligation under this section to an attorney responsible for support enforcement under s. 59.458 (1) pursuant to a contract entered into under s. 59.07 (97). The department shall ensure that any such contract is for an amount reasonable and necessary to assure quality service. The department may, by such a contract, authorize a county to contract with any attorney, collection agency or other person to collect unpaid child support or maintenance. If a county fails to fully implement the programs under s. 59.07 (97), the department may implement them and may contract with any appropriate person to obtain necessary services. The department shall establish a formula for disbursing funds appropriated under s. 20.435 (7) (p) to carry out a contract under this subsection.

~~SECTION 1009g. 46.25 (7d) of the statutes is created to read:~~

Vetoed
in Part

~~46.25 (7d) Beginning July 1, 1992, the department or any agency to which the department has delegated its authority by contract under s. 59.07 (97) shall, in accordance with 42 USC 666, do all of the following:~~

~~(a) Notify every parent who has received services from a child support program under this section, but whose children do not receive benefits under s. 49.19, of his or her right to request a revision of the child support order.~~

~~(b) Notify every parent who has received services from a child support program under this section and whose children receive benefits under s. 49.19 that the department or any agency to which the department has delegated its authority by contract under s. 59.07 (97) has a right to revise his or her child support orders.~~

SECTION 1010. 46.25 (8) of the statutes is amended to read:

46.25 (8) The department may charge other states and counties seeking collection of child and spousal support for any administrative costs it incurs in providing services related to interstate child support collections, the federal parent locator service under 42 USC 653, the interception of unemployment compensation under 42 USC 654 or the withholding of state and federal income tax refunds under s. 46.255 and 42 USC 664.

SECTION 1011. 46.25 (12) (intro.) of the statutes is amended to read:

46.25 (12) (intro.) From the appropriations under s. 20.435 (4) (7) (ch) and (nL), the department shall, if sufficient funds are available, pay a county \$100 for an action to establish paternity in which all of the following conditions are met:

SECTION 1012. 46.253 (2) of the statutes is amended to read:

46.253 (2) The department may contract with up to 2 counties each with a population of less than 500,000 and with a low rate of unemployment to establish a pilot community work experience program for parents who are not custodial parents and who fail to pay child support. The department shall fund the program from the appropriation under s. 20.435 (4) (7) (df).

SECTION 1013. 46.255 (title) of the statutes is amended to read:

46.255 (title) Certification of delinquent payments.

SECTION 1014. 46.255 (2) of the statutes is amended to read:

46.255 (2) At least annually, the department of health and social services shall provide to the department of revenue the certifications to the department of revenue that it receives under sub. (1) and any certifications of delinquencies that it receives from another state because the obligor resides in this state.

SECTION 1015. 46.255 (2m) of the statutes is created to read:

46.255 (2m) At least annually, the department of health and social services shall certify to the department of revenue any obligation owed to the department of health and social services under s. 46.10 if the obligation is rendered to a judgment.

SECTION 1016. 46.255 (3) of the statutes is amended to read:

46.255 (3) Receipt of a certification by the department of revenue shall constitute a lien, equal to the amount certified, on any state tax refunds or credits owed to the obligor. The lien shall be foreclosed by the department of revenue as a setoff under s. 71.93 (3), (6) and (7). When the department of revenue determines that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the obligor that the state intends to reduce any state tax refund or credit due the obligor by the amount the obligor is delinquent under the support or maintenance order ~~and that the department intends to forward that amount to the clerk of the court rendering the order or by the amount due under s. 46.10 (4).~~ The notice shall provide that within 20 days the obligor may request a hearing before the circuit court rendering the ~~support or maintenance order~~. Within 10 days after receiving a request for hearing under this subsection, the court shall set the matter for hearing. Pending further order by the court or family court commissioner, the clerk of court is prohibited from disbursing the obligor's state tax refund or credit. The family court commissioner may conduct the hearing. The sole issues at that hearing shall be whether the obligor owes the amount certified and, if not and it is a support or maintenance order, whether the money withheld from a tax refund or credit shall be paid to the obligor or held for future support or maintenance. An obligor may, within 20

days of receiving notice that the amount certified shall be withheld from his or her federal tax refund or credit, request a hearing under this subsection.

SECTION 1017. 46.255 (4m) (b) of the statutes is amended to read:

46.255 (4m) (b) The department may provide a certification that it receives under sub. ~~(1)~~ (2) or (2m) to the department of administration. Upon receipt of the certification, the department of administration shall determine whether the obligor is a vendor or is receiving any other payments from this state, except for wages, retirement benefits or assistance under s. 45.28, 45.351 (1) or 45.352, 1971 stats., this chapter or ch. 49 or 108. If the department of administration determines that the obligor is a vendor or is receiving payments from this state, except for wages, retirement benefits or assistance under s. 45.28, 45.351 (1) or 45.352, 1971 stats., this chapter or ch. 49 or 108, it shall begin to withhold the amount certified from those payments and shall notify the obligor that the state intends to reduce any payments due the obligor by the amount the obligor is delinquent under the support or maintenance order ~~and that the department intends to forward that amount to the clerk of the court rendering the order or by the amount due under s. 46.10 (4).~~ The notice shall provide that within 20 days after receipt of the notice the obligor may request a hearing before the circuit court rendering the ~~support or maintenance~~ order. An obligor may, within 20 days after receiving notice, request a hearing under this paragraph. Within 10 days after receiving a request for hearing under this paragraph, the court shall set the matter for hearing. The family court commissioner may conduct the hearing. Pending further order by the court or family court commissioner, the clerk of court may not disburse the payments withheld from the obligor. The sole issues at the hearing are whether the obligor owes the amount certified and, if not ~~and it is a support or maintenance order~~, whether the money withheld shall be paid to the obligor or held for future support or maintenance.

SECTION 1018b. 46.255 (7) of the statutes is amended to read:

46.255 (7) The department may provide a certification under sub. (1) to a state agency or authority under s. 21.49 (2) (e), 36.11 (6) (b), 36.25 (14), 36.34 (1), 39.30 (2) (e), 39.38 (2), 39.435 (6), 39.44 (4), 39.47 (2m), 45.351 (2) (c), 45.396 (6), 45.74 (6), 45.80 (2) (e), 144.245 (5m) (b), 144.25 (8) (L), 234.04 (2), 234.49 (1) (c), 234.59 (3) (c), 234.65 (3) (f), 234.90 (3) (d) or (3g) ~~(c)~~, 234.905 (3) (d), or 949.08 (2) (g).

SECTION 1019. 46.257 (7) of the statutes is amended to read:

46.257 (7) Supplemental payments under this section shall be paid from the appropriations under s. 20.435 ~~(4)~~ (7) (d) and (p).

SECTION 1019k. 46.258 of the statutes is created to read:

46.258 Revision of child support orders and collection incentive programs.

(1) The department shall establish a pilot program from the appropriation under s. 20.435 (7) (ga). The program may expend \$77,400 in fiscal year 1989-90 and \$77,400 in fiscal year 1990-91 to award grants to 4 counties for the counties to establish programs to revise child support orders awarded before July 1, 1987. The county shall revise an equal number of child support orders awarded to persons whose children receive benefits under s. 49.19 and to persons whose children do not receive benefits under s. 49.19. Before a county may revise a child support order for a person whose children do not receive benefits under s. 49.19, the custodial parent of the children must voluntarily consent to the revision. The program specified under this subsection shall begin on the effective date of this subsection [revisor inserts date], and end on June 30, 1991. By December 1, 1990, the department shall submit an evaluation of the program to the governor and the chief clerk of each house of the legislature for distribution to the appropriate standing committees on children and welfare, in the manner provided in s. 13.172 (3).

(2) From the appropriation under s. 20.435 (7) (g), the department shall expend \$61,800 in fiscal year 1989-90 and \$105,400 in fiscal year 1990-91 for a child support collection incentive program. The program shall provide state incentive payments, at a rate of 20% of the amount that a county collects above the projected state increase for collections, to counties that meet ~~all of the following~~ child support collection and child support administrative efficiency criteria:

~~(a) The county must earn enough in federal incentive payments to pay for the portion of its child support collection administrative costs that are not paid for by the federal child support collection administrative cost reimbursement.~~ **Vetoed in Part**

~~(b) The county's incentive ratio, when added to the state's statewide average incentive ratio, must produce an average ratio of 2 to 1.~~

~~(c) The county must have increased its child support collections annually by at least the percentage that the state's child support collections have increased annually.~~

SECTION 1020. 46.26 (1) of the statutes is amended to read:

46.26 (1) PROCEDURES. The department of health and social services shall develop procedures for the implementation of this section, standards for the development and delivery of social services under ch. 48, and shall provide consultation and technical assistance to aid counties in implementation and service delivery. The department of health and social services shall establish information systems, monitoring and evaluation procedures to report periodically to the governor and legislature on the state impact of this section.

SECTION 1021. 46.26 (2) (a) of the statutes is amended to read:

46.26 (2) (a) Beginning January 1, 1980, all funds to counties under this section shall be allocated to county departments under ss. 46.21, 46.22 and 46.23 subject to ss. 46.031 and 49.52 (2), except that monthly advance payments to the counties may be less than one-twelfth of the contracted amounts. No reimbursement may be made to any multicounty department until the counties which established the department have drawn up a detailed contractual agreement, approved by the secretary of health and social services, setting forth the plans for joint sponsorship.

SECTION 1022. 46.26 (2) (c) of the statutes is amended to read:

46.26 (2) (c) All funds under this section shall be used to purchase or provide juvenile delinquency-related services under ch. 48, except that no funds under this section may be used for purposes of land purchase, building construction or maintenance of buildings under ss. 46.17 ~~and~~ 46.175 ~~and~~ 301.37, for reimbursement of costs under s. 48.209, for city lock-ups or for reimbursement of care costs in temporary shelter care under s. 48.22. Funds under this section may be used for reimbursement of costs of program services, other than basic care and supervision costs, in juvenile secure detention facilities.

SECTION 1023. 46.26 (3) (c) of the statutes is amended to read:

46.26 (3) (c) Within the limits of the appropriations under s. 20.435 (4) (7) (cd) and (oo), the department shall allocate funds to each county for services under this section.

SECTION 1024. 46.26 (3) (c) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

46.26 (3) (c) Within the limits of the appropriations under s. 20.435 (7) (cd) and (oo), the department of health and social services shall allocate funds to each county for services under this section.

SECTION 1025. 46.26 (3) (d) of the statutes is amended to read:

46.26 (3) (d) In addition to the funds allocated under par. (c), the department of health and social services shall allocate funds to counties under sub. (4) (b) 2 and shall consider each county's proportionate use of applicable ~~departmental~~ services of the department of health and social services, before January 1, 1990, or the department of corrections, beginning January 1, 1990, under s. 48.34 during previous calendar years.

SECTION 1026. 46.26 (3) (dm) of the statutes is amended to read:

46.26 (3) (dm) The department of health and social services may carry forward for a county from one calendar year to another funds allocated under this subsection that are not spent or encumbered. The

amount that the department may carry forward for a county under this paragraph may not exceed 3% of the amount allocated to the county for the 12-month period ending December 31. The funds carried forward under this paragraph do not affect a county's base allocation.

SECTION 1027. 46.26 (3) (e) of the statutes is amended to read:

46.26 (3) (e) The department may carry forward \$500,000 or 10% of its funds allocated under this subsection and not encumbered or carried forward under par. (dm) by counties by December 31, whichever is greater, to the next fiscal year. The department may transfer moneys from or within s. 20.435 (4) (7) (cd) to accomplish this purpose. The department may allocate these transferred moneys to counties with persistently high rates of juvenile arrests for serious offenses during the next fiscal year to improve community-based juvenile delinquency-related services. The allocation does not affect a county's base allocation.

SECTION 1028. 46.26 (3) (e) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

46.26 (3) (e) The department of health and social services may carry forward \$500,000 or 10% of its funds allocated under this subsection and not encumbered or carried forward under par. (dm) by counties by December 31, whichever is greater, to the next fiscal year. The department may transfer moneys from or within s. 20.435 (7) (cd) to accomplish this purpose. The department may allocate these transferred moneys to counties with persistently high rates of juvenile arrests for serious offenses during the next fiscal year to improve community-based juvenile delinquency-related services. The allocation does not affect a county's base allocation.

SECTION 1029. 46.26 (4) (a) of the statutes is amended to read:

46.26 (4) (a) The department shall bill counties or deduct from the allocations under s. 20.435 (4) (7) (cd) for the costs of care, services and supplies purchased or provided by the department for each person receiving services under ss. 48.34 and 51.35 (3). The department may not bill a county for or deduct from a county's allocation the cost of care, services and supplies provided to a person subject to an order under s. 48.366 after the person reaches 19 years of age. Payment shall be due within 60 days of the billing date. If any payment has not been received within 60 days, the department shall withhold aid payments in the amount due from the appropriations under s. 20.435 (4) (7) (b) or (cd).

SECTION 1030. 46.26 (4) (a) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

46.26 (4) (a) The department of health and social services shall bill counties or deduct from the allocations under s. 20.435 (7) (cd) for the costs of care, ser-

vices and supplies purchased or provided by the department of health and social services, before January 1, 1990, or the department of corrections, beginning January 1, 1990, for each person receiving services under ss. 48.34 and 51.35 (3). The department of health and social services may not bill a county for or deduct from a county's allocation the cost of care, services and supplies provided to a person subject to an order under s. 48.366 after the person reaches 19 years of age. Payment shall be due within 60 days of the billing date. If any payment has not been received within 60 days, the department of health and social services shall withhold aid payments in the amount due from the appropriations under s. 20.435 (7) (b) or (cd).

SECTION 1031. 46.26 (4) (b) 1 of the statutes is amended to read:

46.26 (4) (b) 1. Assessment of costs under par. (a) shall be made periodically on the basis of a per person per day cost estimate adjusted at least annually by the department. Liability shall apply to county departments under s. 46.21, 46.22 or 46.23 in the county of the court exercising jurisdiction under ch. 48 for each person receiving department services from the department of health and social services, before January 1, 1990, or the department of corrections, beginning January 1, 1990, under ss. 48.34 and 51.35 (3). In multicounty court jurisdictions, the county of residency within the jurisdiction shall be liable for costs under this subsection. Assessment of costs under par. (a) shall also be made according to the general placement type or level of care provided, as defined by the department of corrections, and prorated according to the ratio of the amount designated under sub. (3) (c) and (d) to the total applicable estimated costs of department care, services and supplies provided by the department of health and social services, before January 1, 1990, or the department of corrections, beginning January 1, 1990, under ss. 48.34 and 51.35 (3).

SECTION 1032. 46.26 (4) (d) 1 of the statutes is amended to read:

46.26 (4) (d) 1. Except as provided in pars. (e) to (g), for services under s. 48.34, all payments and deductions made under this subsection and uniform fee collections made under s. 46.03 (18) shall be deposited in the appropriation under s. 20.410 (1) (hm) or 20.435 (3) (6) (hm), as applicable. As adjustments in the assessments under this subsection are made, there shall be a proportionate adjustment in the allocations to counties under sub. (3) (d).

SECTION 1033e. 46.26 (4) (d) 2 of the statutes is amended to read:

46.26 (4) (d) 2. Beginning July 1, ~~1987~~ 1989, and ending December 31, ~~1987~~ 1989, the per person daily cost assessment to counties shall be ~~\$93.40~~ \$104.30 for care in a juvenile correctional institution, ~~\$93.40~~ \$104.30 for care for children transferred from a juvenile correctional institution under s. 51.35 (3), the dollar amount set by the department by rule for

maintaining a prisoner in an adult correctional institution, ~~\$99.09~~ \$107.07 for care in a child caring institution, ~~\$63.23~~ \$67.92 for care in a group home for children, ~~\$44.64~~ \$43.52 for care in a foster home and ~~\$6.64~~ \$10.32 for departmental aftercare services.

SECTION 1034e. 46.26 (4) (d) 3 of the statutes is amended to read:

46.26 (4) (d) 3. In calendar year ~~1988~~ 1990, the per person daily cost assessment to counties shall be ~~\$93.85~~ \$104.52 for care in a juvenile correctional institution, ~~\$93.85~~ \$104.52 for care for children transferred from a juvenile correctional institution under s. 51.35 (3), the dollar amount set by the department by rule for maintaining a prisoner in an adult correctional institution, ~~\$102.08~~ \$110.30 for care in a child caring institution, ~~\$65.17~~ \$69.98 for care in a group home for children, ~~\$45.95~~ \$44.82 for care in a foster home and ~~\$6.71~~ \$10.03 for departmental aftercare services.

SECTION 1035e. 46.26 (4) (d) 4 of the statutes is amended to read:

46.26 (4) (d) 4. Beginning January 1, ~~1989~~ 1991, and ending June 30, ~~1989~~ 1991, the per person daily cost assessment to counties shall be ~~\$94.09~~ \$104.74 for care in a juvenile correctional institution, ~~\$94.09~~ \$104.74 for care for children transferred from a juvenile correctional institution under s. 51.35 (3), the dollar amount set by the department by rule for maintaining a prisoner in an adult correctional institution, ~~\$103.62~~ \$113.63 for care in a child caring institution, ~~\$67.17~~ \$72.10 for care in a group home for children, ~~\$46.33~~ \$46.17 for care in a foster home and ~~\$6.82~~ \$9.76 for departmental aftercare services.

SECTION 1036. 46.26 (4) (dm) of the statutes is amended to read:

46.26 (4) (dm) The department of health and social services shall promulgate rules to provide rates under par. (d) 2, 3 and 4 for maintaining a person in an adult correctional institution. The rate shall not vary according to the adult correctional institution where a person is placed. The rate shall reflect the average daily cost associated with maintaining prisoners in adult correctional institutions.

SECTION 1037. 46.26 (4) (e) of the statutes is amended to read:

46.26 (4) (e) Beginning January 1, 1983, for foster care, group home care and institutional child care to delinquent children under ss. ~~48.48 (4) and (14), 48.52 48.553 (3), 48.557 and 49.19 (10)~~ (d) all payments and deductions made under this subsection and uniform fee collections under s. 46.03 (18) shall be deposited in the appropriation under s. 20.435 (3) (6) (ho).

SECTION 1038. 46.26 (4) (g) of the statutes is amended to read:

46.26 (4) (g) Beginning January 1, 1983, for juvenile field and institutional aftercare services under ch. 48 and for the juvenile offender review program in the division of youth corrections in the department of health and social services, all payments and deduc-

tions made under this subsection and uniform fee collections under s. 46.03 (18) shall be deposited in the general fund and shall be treated as a nonappropriated receipt.

SECTION 1040. 46.26 (5) of the statutes is repealed.

SECTION 1041. 46.26 (6) (a) of the statutes is amended to read:

46.26 (6) (a) The intent of this subsection is to develop criteria to assist the legislature in allocating funding, excluding funding for base allocations, from the appropriations under s. 20.435 (4) (7) (cd) and (oo) for purposes described in this section.

SECTION 1042. 46.26 (6) (b) of the statutes is amended to read:

46.26 (6) (b) The department of health and social services shall submit recommendations to the joint committee on finance regarding performance standards criteria to be used to determine whether counties are successfully diverting juveniles from juvenile correctional institutions and into less restrictive community programs and are successfully rehabilitating children adjudged delinquent on or before December 31, 1987. Beginning January 1, 1988, counties shall provide information requested by the department in order to apply the criteria and assess performances.

SECTION 1042c. 46.26 (7) (g) of the statutes is created to read:

46.26 (7) (g) For adjustments to provide increases for community program allocations, amounts not to exceed \$1,785,000 for 1990 and \$1,937,700 for the first 6 months of 1991.

SECTION 1042m. 46.261 of the statutes is created to read:

Vetoed in Part 46.261 Early intervention program for high-risk youths. (1) DEFINITION. In this section, "high-risk youth" means a child who is at least 8 years of age but who has not attained the age of 13 and who meets all of the following requirements:

(a) Has been adjudicated delinquent or has been found to be in need of protection or services for the commission of an act which, if committed by an adult, would be punishable as a felony.

(b) Receives a minimum score, as determined by the department, on a risk-assessment instrument specified by the department by rule.

(2) RISK-ASSESSMENT INSTRUMENT. The risk-assessment instrument under sub. (1) (b) shall be directed at identifying those youths who are at high risk of later involvement in serious delinquent acts. The assessment shall look at all of the following factors:

(a) Acts committed by the youth which would be considered delinquent acts if the youth were age 13 or older.

(b) The number of prior institutional commitments or placements of the youth for 30 days or more.

(c) Demonstrated drug or alcohol abuse by the youth.

(d) Inconsistent, ineffective or nonexistent parental control of the youth's behavior or a history of abuse or neglect of the youth.

(e) Chronic school disciplinary problems, including truancy and behavior problems.

(f) Peer relationships, including friends involved in delinquent behavior and gang involvement.

(g) The presence of older siblings in the youth's family who are serious juvenile offenders or adult criminal offenders.

(3) GRANTS. From the appropriation under s. 20.435 (7) (sh), the department may award grants to counties which meet the requirements under sub. (4) to provide early intervention programs for high-risk youths. The early intervention program shall provide school-related and after-school programs and activities to youths who are at high risk of later involvement in serious delinquent acts, in order to reduce the likelihood of such later involvement.

(4) APPLICATION. (a) A county may apply to participate in the early intervention program by submitting to the department a letter of intent to participate which includes all of the following:

1. A statement that the county has high-risk youths and a general description of the number and location of those high-risk youths.

2. A description of the programs, services and staffing related to high-risk youths and their families which the county intends to provide in accordance with sub. (5).

3. A statement that the county will give priority for programming and services to those youths receiving the highest scores on the risk assessment instrument under sub. (2).

4. An assurance that the county will provide matching funds equal to 25% of the requested funding. The match may be in the form of money or in-kind services or both.

(b) The department shall select counties to participate in the program on the basis of criteria promulgated by rule.

(5) USE OF FUNDS. (a) A participating county shall use the funds allocated under this section to do all of the following:

1. Assess youths and their families to determine if the youths are high-risk youths who are eligible to participate in the early intervention program.

2. Provide for intensive school-related programming for participating high-risk youths and their families.

3. Provide for structured after-school, evening, weekend and summer activities, including counseling, recreation and tutoring, for participating high-risk youths.

(b) In providing programming and services under this subsection, a county shall give priority to those youths receiving the highest scores on the risk assessment instrument under sub. (2).

Vetoed in Part

Vetoed
in Part

(6) ~~EVALUATION. The department shall collect and analyze information concerning programs and high risk youths served in programs funded under this section. By June 30, 1992, the department shall submit a report, with this information and an evaluation of the effectiveness of these programs, to the governor and the chief clerk of each house of the legislature for distribution to appropriate standing committees on juvenile justice issues, in the manner provided in s. 13.172 (3).~~

SECTION 1042p. 46.262 of the statutes is created to read:

46.262 Children-in-crisis program. (1) In this section, "substantiated cases of child abuse and neglect" means cases in which children have been determined to be in need of protective intervention or protective services or cases in which there is an ongoing need for protection services among the principals of a child abuse and neglect report.

(2) From the appropriation under s. 20.435 (7) (ds), the department shall award grants for the establishment of children-in-crisis programs. The grants may be awarded under this section only to counties that have high numbers of substantiated cases of child abuse and neglect. The department shall award at least 2 grants each year, unless only one county applies. The grants shall be used to provide 24-hour crisis and respite care for abused and neglected children.

(3) Each county that receives a grant under this section shall provide matching funds equal to 50% of the requested funding. The match may be in the form of money or in-kind services or both but any moneys used toward a county match may not include moneys that the county receives from the state or the federal government. Any county that receives a grant in one year may reapply for an extension of the grant in the next year.

~~SECTION 1042x. 46.263 of the statutes is created to read:~~

Vetoed
in Part

~~46.263 RESTITUTION AND COMMUNITY SERVICE PROJECTS. (1) Every county with a population of 13,000 or more shall provide restitution and community service work project services.~~

~~(2) Except as provided in sub. (3), the circuit judges in each county shall approve written general policy guidelines for the operation of the project under sub. (1).~~

~~(3) Two or more contiguous counties may establish a joint project under sub. (1). If a joint project is established, the circuit judges of the counties involved shall approve written general policy guidelines for the operation of the project.~~

~~(4) A county, or counties if a joint project is established, may provide the services under this section through county staff or may contract with any person or public or private entity to provide the services.~~

~~(5) Prior to December 1, 1989, the department shall establish minimum performance standards which~~

~~shall govern eligibility and distribution of state funding to restitution and community service projects under s. 20.435 (7) (sl).~~

Vetoed
in Part

SECTION 1043. 46.265 of the statutes is amended to read:

46.265 Diversion of youth from gang activities. ~~The department~~ After consultation with the department of corrections, the department of health and social services may enter into a contract with an organization to provide services in a county having a population of 500,000 or more for the diversion of youths from gang activities into productive activities, including placement in appropriate educational, recreational and employment programs. Notwithstanding s. 16.75, the department of health and social services may enter into a contract under this section without soliciting bids or proposals and without accepting the lowest responsible bid or offer.

SECTION 1044. 46.266 (1) (intro.) of the statutes is amended to read:

46.266 (1) (intro.) Notwithstanding s. 49.45 (6m) (ag), for the period beginning on July 1, 1987 1989, and ending on June 30, 1989 1991, the department may transfer or credit funds from the appropriation under s. 20.435 (1) (b) to the appropriation under s. 20.435 (4) (7) (b), in order to provide funding of community services for an eligible individual, if all of the following apply:

SECTION 1045. 46.266 (1) (b) of the statutes is amended to read:

46.266 (1) (b) The eligible individual is a resident of a nursing home that is, before July 1, 1989, found to be ~~or is at risk of being found to be~~ an institution for mental diseases, as defined under 42 CFR 435.1009, except that an eligible individual also includes an individual who received funding under this subsection prior to July 1, 1989, and who was a resident of a nursing home that was at risk of being found to be an institution for mental diseases, but was not so found by July 1, 1989.

SECTION 1046. 46.266 (2) of the statutes is amended to read:

46.266 (2) If a person who is provided services under sub. (1) discontinues service provision, an individual may receive services in place of the person who discontinues if that individual is aged 22 to 64, has a primary diagnosis of mental illness and would meet the level of care requirements for medical assistance reimbursement in a skilled nursing facility or intermediate care facility but for a finding that the facility is an institution for mental diseases, except that the total number of persons receiving services may not exceed the number of nursing home beds under a plan submitted by the facility and approved by the department.

SECTION 1047. 46.266 (3) of the statutes is amended to read:

46.266 (3) If a person who is provided services under sub. (1) and who was relocated from a nursing

home found to be an institution for mental diseases reenters, within 6 months following his or her first receipt of services under sub. (1), a nursing home that is, before July 1, 1989, found to be an institution for mental diseases, as defined under 42 CFR 435.1009, sub. (2) does not apply and funding under s. 49.45 (6g) (a) (intro.) and 1 shall be provided.

SECTION 1048. 46.267 of the statutes is renumbered 304.07 and amended to read:

304.07 Early release and intensive supervision program; limits. The department may establish a program for the early release and intensive supervision of children who have had their legal custody transferred under s. 48.34 (4m) to a ~~subunit~~ of the department ~~administering corrections~~ for placement in a secured correctional facility. The program may not include any children who have been placed in a secured correctional facility as a result of a delinquent act involving the commission of a violent crime as defined in s. 969.035, but not including the crime specified in s. 940.225 (1) (d).

SECTION 1049. 46.268 of the statutes is created to read:

46.268 Community services for individuals with mental illness. (1) Notwithstanding s. 49.45 (6m) (ag), the department may, for the period beginning on July 1, 1989, and ending on June 30, 1991, transfer or credit funds from the appropriation under s. 20.435 (1) (b) to the appropriation under s. 20.435 (7) (bc), in order to provide funding of community services for an eligible individual, if all of the following apply:

(a) The individual:

1. Has mental illness, as defined in s. 49.45 (6c) (a) 7;
2. Is otherwise eligible for medical assistance;
3. Is determined under s. 49.45 (6c) (d) 1 to be in need of active treatment but not to require facility care;
4. Was most recently admitted to a facility, as defined in s. 49.45 (6m) (a) 3, before September 30, 1987, and chooses community services in preference to continued facility residence, was most recently admitted to a facility after September 30, 1987, or is a resident of a facility that is at risk of being determined by the department to be an institution for mental diseases.
5. Is a resident of the facility in subd. 4 on April 1, 1990.

(b) Provision of services is not authorized under s. 46.277 for the individual or for an individual receiving care under s. 46.40 and for whom care under s. 46.277 might be substituted.

(c) The amount of funds for the individual does not exceed 60% of the daily medical assistance reimbursement rate under s. 49.45 (6m).

(2) If an individual who is provided services under sub. (1) discontinues service receipt, an individual may receive services in his or her place if that individual has

mental illness, as defined in s. 49.45 (6c) (a) 7, is otherwise eligible for medical assistance and is determined under s. 49.45 (6c) (d) 1 to be in need of active treatment but not to require facility care.

(3) County matching funds are required for allocations under sub. (1). A county's required match equals 9.89% of the cost of community service.

~~SECTION 1049b. 46.27 (1) (a) of the statutes is renumbered 46.27 (1) (ad).~~ **Vetoed in Part**

~~SECTION 1049f. 46.27 (1) (a) of the statutes is created to read:~~

~~46.27 (1) (a). "Aging unit" has the meaning given under s. 46.81 (1) (a).~~

~~SECTION 1049i. 46.27 (2) (c) of the statutes is repealed.~~

~~SECTION 1049L. 46.27 (3) (b) of the statutes is repealed.~~

SECTION 1049p. 46.27 (3) (e) of the statutes is renumbered 46.27 (3) (e) (intro.) and amended to read:

46.27 (3) (e) (intro.) After implementing the program for 12 months and within the limits of state and federal funds allocated under sub. (7), provide noninstitutional community alternatives for a significant number of persons in each of the groups listed in sub. (4) (a) 1 and eligible under sub. (6). The department shall determine what constitutes a "significant number of persons" for each participating county, based on county size and on the statewide proportion of persons from each group receiving medical assistance in a nursing home, except that the department shall, beginning on January 1, 1990, for the groups specified under sub. (4) (a) 1. a to c, increase by 10% the determination of what constitutes a "significant number of persons" for each group. If a county fails to meet the "significant number of persons" requirement under this paragraph, all of the following apply:

SECTION 1049r. 46.27 (3) (e) 1 and 2 of the statutes are created to read:

46.27 (3) (e) 1. For a county with an annual allocation for provision of long-term community support services under sub. (7) (b) 1m that exceeds \$185,000, the department shall, unless the department finds that an emergency or unusual circumstance exists, designate a portion of the county's allocation for increased service in each calendar year that the county fails to meet the requirement, to one or more of the groups specified under sub. (4) (a) 1. a to e.

2. For a county with an annual allocation for provision of long-term community support services under sub. (7) (b) 1m that is \$185,000 or less, the department may designate a portion of the county's allocation for increased service in each calendar year that the county fails to meet the requirement, to one or more of the groups specified under sub. (4) (a) 1. a to e.

~~SECTION 1049u. 46.27 (3m) of the statutes is amended to read:~~ **Vetoed in Part**

~~46.27 (3m). POWERS AND DUTIES OF A PRIVATE NON-PROFIT AGENCY. A private nonprofit agency with~~

Vetoed
in Part

which the department contracts for service under sub. (1)(b) 5 shall have the powers and duties under this section of a county department or aging unit designated under sub. 46.27 (4m) to administer the program.

SECTION 1049x. 46.27 (4m) of the statutes is created to read:

46.27 (4m) COUNTY AGENCY DESIGNATION. (a) Except as provided in par. (b) or (c), the department shall contract with one of the following for the administration of services under this section to the following specified groups:

1. In a county which has not established a county department under s. 46.23:

a. The county department under s. 51.42 for services to chronically mentally ill and chemically dependent persons.

b. The county department under s. 51.437 for services to developmentally disabled persons.

c. The county department under s. 46.215 or 46.22 for services to elderly and physically disabled persons.

2. In a county which has established a county department under s. 46.23, the county department under s. 46.23, for services to elderly, physically disabled, developmentally disabled, chronically mentally ill and chemically dependent persons.

(b) Before October 1, the county board of supervisors in a county which has not established a county department under s. 46.23 may select a county department other than as required under par. (a) under s. 46.22, 51.42 or 51.437 to contract with the department for and administer services to a particular group of persons specified under sub. (4) (a) 1. a to e, for the following calendar year.

(c) If the department and the county board of supervisors so agree, the county aging unit may contract with the department for the administration of services under this section to the group of persons specified under sub. (4) (a) 1. a.

SECTION 1049y. 46.27 (5) (intro.) of the statutes is amended to read:

46.27 (5) COUNTY DEPARTMENT DUTIES. (intro.) The county department selected by the county board of supervisors designated under sub. (4m) to administer the program shall:

SECTION 1051. 46.27 (5) (d) 1 of the statutes is amended to read:

46.27 (5) (d) 1. Apply the uniform fee schedule under s. 46.03 (18) for long-term community support services provided any person under par. (b), if the person is eligible for medical assistance under s. 49.46, 49.468 or 49.47 or if the county department finds the person likely to become medically indigent within 6 months by spending excess income or assets for medical or remedial care.

SECTION 1052. 46.27 (5) (h) of the statutes is amended to read:

46.27 (5) (h) Within the limits of state and federal funds allocated under sub. (7) and in accordance with

the county's plan for gradual implementation, apply the program to any person who has been diagnosed by a physician as having Alzheimer's disease, who meets the level of care requirements under sub. (6r) (d) (b) 4 and who wants to be assessed and to receive long-term community support services.

SECTION 1052g. 46.27 (5) (i) of the statutes is created to read:

46.27 (5) (i) In the instances in which an individual who is provided long-term community support services under par. (b) for which the individual receives direct funding, serve directly as a fiscal agent or contract with a fiscal intermediary to serve as a fiscal agent for that individual for purposes of payment of unemployment compensation contributions or reimbursement for unemployment compensation benefits.

SECTION 1052m. 46.27 (6) (e) of the statutes is created to read:

46.27 (6) (e) The department shall encourage counties to use public health nurses who meet the requirements of s. 141.045 (1) to conduct assessments under this subsection.

SECTION 1053. 46.27 (6r) (intro.) of the statutes is amended to read:

46.27 (6r) ELIGIBILITY. (intro.) No county may use funds received under sub. (7) (b) to pay for long-term community support services provided to any person who initially receives services under this section after December 31, 1985, unless one of the following applies:

SECTION 1054. 46.27 (6r) (a) to (d) of the statutes are renumbered 46.27 (6r) (b) 1 to 4.

SECTION 1055. 46.27 (6r) (a) and (b) (intro.) of the statutes are created to read:

46.27 (6r) (a) A person who is initially eligible for services under sub. (7) (b), for whom home and community-based services are available under sub. (11) that require less total expenditure of state funds than do comparable services under sub. (7) (b) and who is eligible for and offered the home and community-based services under sub. (11), but who declines the offer, except that a county may use funds received under sub. (7) (b) to pay for long-term community support services for the person for a period of up to 90 days during which an application for services under sub. (11) for the person is processed.

(b) (intro.) A person who initially receives services under this section after December 31, 1985, unless one of the following applies:

SECTION 1055m. 46.27 (6r) (b) 1m of the statutes is created to read:

46.27 (6r) (b) 1m. The person meets the requirement under s. 49.45 (6g) (a) 1, 2 or 3 for receipt of care in an institution for mental diseases.

SECTION 1056. 46.27 (7) (am) of the statutes is amended to read:

46.27 (7) (am) From the appropriation under s. 20.435 (4) (7) (bd), the department shall allocate funds to each county or private nonprofit agency with which

the department contracts to pay assessment and case plan costs under sub. (6) not otherwise paid under s. 46.032 or 49.45. The department shall reimburse counties for the cost of assessing persons eligible for medical assistance under s. 49.46, 49.468 or 49.47 as part of the administrative services of medical assistance, payable under s. 49.45 (3) (a). Counties may use unspent funds allocated under this paragraph to pay the cost of long-term community support services.

SECTION 1057. 46.27 (7) (b) 1m of the statutes is amended to read:

46.27 (7) (b) 1m. From the appropriation under s. 20.435 (4) (7) (bd), the department shall allocate funds to each county to pay the cost of providing long-term community support services under sub. (5) (b) not otherwise paid under s. 49.45 to persons eligible for medical assistance under s. 49.46 or 49.47 or to persons whom the county department administering the program finds likely to become medically indigent within 6 months by spending excess income or assets for medical or remedial care. The average per person reimbursement under this paragraph may not exceed the state share of the average per person payment rate the department expects under s. 49.45 (6m). The county department administering the program may spend funds received under this paragraph only in accordance with the case plan and service contract created for each person receiving long-term community support services.

SECTION 1058. 46.27 (7) (fm) of the statutes is amended to read:

46.27 (7) (fm) The department shall, at the request of a county, carry forward up to 10% of the amount allocated under this subsection to the county for a calendar year if up to 10% of the amount so allocated has not been spent or encumbered by the county by December 31 of that year, for use by the county in the following calendar year. The department may transfer funds within s. 20.435 (4) (7) (bd) to accomplish this purpose. An allocation under this paragraph does not affect a county's base allocation under this subsection and shall lapse to the general fund unless expended within the calendar year to which the funds are carried forward. A county may not expend funds carried forward under this paragraph for administrative or staff costs, except administrative or staff costs that are associated with implementation of the waiver under sub. (11) and approved by the department.

SECTION 1059. 46.27 (7) (g) (intro.) of the statutes is amended to read:

46.27 (7) (g) (intro.) The department may carry forward to the next state fiscal year up to \$500,000 of funds allocated under this subsection and not encumbered by counties by December 31 or carried forward under par. (fm). The department may transfer moneys within s. 20.435 (4) (7) (bd) to accomplish this purpose. An allocation under this paragraph shall not affect a county's base allocation for the program. The

department may allocate these transferred moneys during the next fiscal year to counties for the improvement or expansion of long-term community support services for clients whose cost of care significantly exceeds the average cost of care provided under this section, including any of the following:

SECTION 1060. 46.27 (7m) of the statutes is amended to read:

46.27 (7m) RIGHT TO HEARING. A person who is denied eligibility for services or whose services are reduced or terminated under this section may request a hearing from the department under s. 227.44, except that lack of adequate funding or a denial under sub. (6r) (a) may not serve as the basis for a request under this subsection.

SECTION 1061. 46.27 (11) (c) 3 of the statutes is amended to read:

46.27 (11) (c) 3. Medical assistance reimbursement for services a county or a private nonprofit agency with which the department contracts provides under this subsection shall be made from the appropriations under s. 20.435 (1) (o) and (4) (7) (b) and (bd).

SECTION 1061g. 46.27 (11) (c) 4 of the statutes is created to read:

46.27 (11) (c) 4. The department may, from the appropriation under s. 20.435 (1) (o), provide reimbursement for services provided under this subsection by counties that are in excess of the current average annual per person rate, as established by the department, and are less than the average amount approved in the waiver received under par. (a).

SECTION 1061m. 46.271 of the statutes is created to read:

46.271 Long-term support pilot projects. (1) From the appropriation under s. 20.435 (7) (bd), the department shall allocate \$150,000 in state fiscal year 1989-90 and ~~\$250,000 in state fiscal year 1990-91 to applying county departments under s. 46.215, 46.22, 46.23, 51.42 or 51.437 to establish not less than 2 and not more than 5 pilot projects for home and community-based long-term support services. Funds allocated to the pilot projects shall be used to do any of the following:~~ **Vetoed in Part**

(a) Provide ~~assessments, case plans and administration and~~ for individuals who are discharged from hospitals and meet one of the eligibility requirements under s. 46.27 (6r) (b) 1 to 4 ~~time~~ and ~~comprehensive home and community-based long-term support services.~~ **Vetoed in Part**

(b) Promote the development of a system of home and community-based long-term support services that is easily accessible to individuals who are eligible for and potentially need these services.

(2) The department shall do all of the following:

(a) Solicit applications from county departments for the pilot projects under sub. (1).

(b) Require that an applying county department under par. (a) submit as part of the application spe-

cific plans for improving the coordination between hospitals and providers of home and community-based long-term support services.

(c) Give priority, in awarding funds under sub. (1), to an application from a county department in a county that has one of the following:

1. A significant number of individuals who are discharged from hospitals and need and do not receive home and community-based long-term support services.

2. Few available nursing home beds.

3. A population of 500,000 or more.

SECTION 1062. 46.275 (1m) (a) of the statutes is amended to read:

46.275 (1m) (a) "Medical assistance" means aid provided under ss. 49.43 to 49.47, except s. 49.468.

SECTION 1063. 46.275 (5) (b) 4 of the statutes is amended to read:

46.275 (5) (b) 4. Provide services, except respite care that is approved by the department, within a skilled nursing facility, intermediate care facility or intermediate care facility for the mentally retarded, including a state center for the developmentally disabled.

SECTION 1063m. 46.275 (5) (d) of the statutes is created to read:

46.275 (5) (d) The department may, from the appropriation under s. 20.435 (1) (o), provide reimbursement for services provided under this section by counties that are in excess of the current average annual per person rate, as established by the department, and are less than the average amount approved in the waiver received under sub. (2).

SECTION 1064. 46.277 (1m) (a) of the statutes is amended to read:

46.277 (1m) (a) "Medical assistance" means aid provided under ss. 49.43 to 49.47, except s. 49.468.

~~SECTION 1064m. 46.277 (3) (a) of the statutes is amended to read:~~

Vetoed
in Part

~~46.277 (3) (a) Sections 46.27 (3) (b) (4m) and 46.275 (3) (a) and (c) to (e) apply to county participation in this program, except that services provided in the program shall substitute for care provided a person in a skilled nursing facility or intermediate care facility who meets the level of care requirements for medical assistance reimbursement to that facility rather than for care provided at a state center for the developmentally disabled. The number of persons who receive services provided by the program under this paragraph may not exceed the number of nursing home beds that are delicensed as part of a plan submitted by the facility and approved by the department.~~

SECTION 1064n. 46.277 (5) (a) of the statutes is amended to read:

46.277 (5) (a) The provisions of s. 46.275 (5) (a) and, (b) and (d) apply to funding received by counties under the program.

SECTION 1065. 46.278 (1m) (b) of the statutes is amended to read:

46.278 (1m) (b) "Medical assistance" means aid provided under ss. 49.43 to 49.47, except s. 49.468.

~~SECTION 1065m. 46.278 (4) (a) of the statutes is amended to read:~~

~~46.278 (4) (a) Sections 46.27 (3) (b) (4m) and 46.275 (3) (a) and (c) to (e) apply to county participation in this program, except that services provided in the program shall substitute for care provided a person in an intermediate care facility for the mentally retarded who meets the intermediate care facility for the mentally retarded level of care requirements for medical assistance reimbursement to that facility rather than for care provided at a state center for the developmentally disabled.~~

Vetoed
in Part

SECTION 1065n. 46.278 (6) (a) of the statutes is amended to read:

46.278 (6) (a) The provisions of s. 46.275 (5) (a) and, (b) and (d) apply to funding received by counties under the program.

SECTION 1066. 46.30 (3) (b) 10 of the statutes is created to read:

46.30 (3) (b) 10. Apply for funds from various sources to support a community action program.

SECTION 1067. 46.30 (4) (a) of the statutes is amended to read:

46.30 (4) (a) The department shall allocate the federal community services block grant funds received under 42 USC 9903 and deposited in the appropriations under s. 20.435 (4) (6) (mc) and (7) (md) and the state supplement under s. 20.435 (4) (ev) (7) (cr) as provided in this subsection.

SECTION 1068. 46.30 (4) (cm) of the statutes is repealed and recreated to read:

46.30 (4) (cm) The department shall allocate all of the funds under s. 20.435 (7) (cr) to community action agencies and organizations, including any of the 11 federally recognized tribal governing bodies in this state and limited-purpose agencies, in proportion to the share of funds actually allocated to these entities under 42 USC 1315 and from other federal and private foundation sources that provide funds for job creation and development for individuals with low incomes.

SECTION 1068m. 46.33 of the statutes is created to read:

46.33 Employee counseling referral programs. The department may provide technical assistance to municipalities, counties, school districts and private employers for referral programs for employee counseling. The department may charge fees to cover the costs of these services.

SECTION 1069. 46.36 of the statutes is renumbered 301.25 and amended to read:

301.25 Sewer system at Taycheedah correctional institution. The department of health and social services, with the approval of the governor, may enter

into an agreement containing such terms, conditions and covenants as are approved by the building commission, to participate in the construction of a sanitary sewer system in the area adjacent to the Taycheedah correctional institution in the town of Taycheedah, Fond du Lac county; to connect the sewer system of the Taycheedah correctional institution thereto; to pay sewage disposal charges; and to grant easements or convey land to meet construction requirements.

SECTION 1070. 46.40 (intro.) of the statutes is amended to read:

46.40 Allocation of community aids funds. (intro.) Within the limits of available federal funds and of the appropriations under s. 20.435 (4) (7) (b), (i) and (o), the department shall allocate to county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437, to county aging units and private nonprofit organizations as authorized under s. 46.87 (3) (c) 4 and (4) and to private nonprofit child care providers as authorized under s. 46.98 (2) (a) 2 funds for community social, mental health, developmental disabilities and alcohol and other drug abuse services for the period beginning July 1, 1987 1989, and ending June 30, 1989 1991, as follows:

SECTION 1071. 46.40 (1) (a) of the statutes is amended to read:

46.40 (1) (a) For social services under s. 49.52 (1) (d) and services under s. 51.423 (2), the department shall allocate not more than ~~\$111,677,400~~ \$98,544,900 for the last 6 months of 1987 1989, not more than ~~\$197,344,400~~ \$208,915,200 for 1988 1990 and not more than ~~\$98,544,900~~ \$110,725,100 for the first 6 months of 1989 1991.

SECTION 1072. 46.40 (1) (b) of the statutes is amended to read:

46.40 (1) (b) From the amount under par. (a) for 1987 1989, the department shall allocate to each county for the last 6 months of 1987 1989 an amount equal to the amount allocated to the county as its basic county allocation for the first 6 months of 1987 1989 under 1985 Wisconsin Act 29, section 3023 (3) (a) 4 s. 46.40 (1) (b), 1987 stats.

SECTION 1073b. 46.40 (1) (c) of the statutes is amended to read:

46.40 (1) (c) From the amount under par. (a) for 1988 1990, the department shall allocate to each county for 1988 1990 an amount equal to 106% of the amount allocated to the county as the basic county allocation for 1987 under par. (b) and 1985 Wisconsin Act 29, section 3023 (3) (a) 4 minus the amount of that allocation required to be spent by the county for the purposes of s. 46.26 by s. 46.26 (2) (c), 1985 stats., and 1989 under par. (b) and s. 46.40 (1) (d), 1987 stats., minus the portion of the amount by which the federal social services block grant funds under 42 USC 1397 to 1397e received by this state in fiscal year 1987-88 1989-90 exceeds the amount received in fiscal year

1988-89 1990-91 that will distribute the reduction as an equal percentage reduction to each county.

SECTION 1075b. 46.40 (1) (d) of the statutes is amended to read:

46.40 (1) (d) The department shall allocate to each county for the first 6 months of 1989 1991 the percentage of the amount under par. (a) for the first 6 months of 1989 1991 equal to the percentage of the amount under par. (a) for 1988 allocated to the county under par. (e) 112.36% of the amount allocated to the county as the basic county allocation for the first 6 months of 1989 under s. 46.40 (1) (d), 1987 stats.

SECTION 1077c. 46.40 (1) (e) of the statutes is created to read:

46.40 (1) (e) In addition to the amounts under par. (a), the department shall allocate \$186,400 for the first 6 months of 1991 for equity increases. A county is eligible for funds allocated under this paragraph if it is a county which

Vetoed
in Part

1. Received as a basic county allocation for 1987, under s. 46.40 (1) (b), 1987 stats., and 1985 Wisconsin Act 29, section 3023 (3) (a) 4, an amount that was less than 80% of the amount that it would have received if the funds for the basic county allocation for 1987, under s. 46.40 (1) (b), 1987 stats., and 1985 Wisconsin Act 29, section 3023 (3) (a) 4, had been distributed using a formula based equally on each county's percentage of the state's average monthly medical assistance population, each county's ranking on an urban-rural scale, based on the county's percentage of population living in cities, towns or villages with populations of 2,500 or more, and each county's ranking as determined by the ratio of the full value of all taxable property in the county, determined under s. 70.57, to the county's population; and

2. Provided, in 1987, for services which may be funded under this section, at least 3 times the amount of the county match required under ss. 49.52 (1) (d) and 51.423 (2).

SECTION 1078b. 46.40 (2) of the statutes is amended to read:

46.40 (2) CATEGORICAL ALLOCATION FOR SERVICES TO CHILDREN. (a) For services to children and families, the department shall allocate not more than \$1,947,200 for the last 6 months of 1987 1989, not more than ~~\$3,894,400~~ \$4,128,000 for 1988 1990 and not more than ~~\$1,947,200~~ \$2,187,900 for the first 6 months of 1989 1991.

(b) In addition to the amounts under par. (a), the department shall allocate, for community treatment of abused and neglected children, not more than \$500,000 ~~\$250,000~~ for the last 6 months of 1989, not more than \$530,000 for 1988 1990 and not more than \$250,000 ~~\$280,900~~ for the first 6 months of 1989 1991.

SECTION 1079b. 46.40 (3) of the statutes is amended to read:

46.40 (3) SUPPORTIVE HOME CARE. For supportive home care services, the department shall allocate not

more than ~~\$7,267,800~~ \$6,207,500 for the last 6 months of ~~1987~~ 1989, not more than ~~\$14,501,400~~ \$12,638,400 for ~~1988~~ 1990 and not more than ~~\$6,729,100~~ \$6,453,100 for the first 6 months of ~~1989~~ 1991.

SECTION 1080. 46.40 (4) of the statutes is amended to read:

46.40 (4) CHILD DAY CARE SERVICES. For child day care services under s. 46.98, the department shall allocate not more than ~~\$5,633,300~~ \$6,633,300 for the last 6 months of ~~1987~~ 1989, not more than ~~\$13,266,600~~ \$11,766,200 for ~~1988~~ 1990 and not more than ~~\$6,633,300~~ \$6,305,000 for the first 6 months of ~~1989~~ 1991.

SECTION 1081b. 46.40 (5) of the statutes is amended to read:

46.40 (5) COMMUNITY SUPPORT PROGRAMS. For community support programs for the chronically mentally ill under s. 51.421, the department shall allocate not more than ~~\$833,300~~ for the last 6 months of ~~1987~~ 1989, not more than ~~\$1,666,600~~ \$1,766,600 for ~~1988~~ 1990 and not more than ~~\$833,300~~ \$936,300 for the first 6 months of ~~1989~~ 1991.

SECTION 1082b. 46.40 (6) of the statutes is amended to read:

46.40 (6) COMMUNITY-BASED PROGRAMS FOR THE DEVELOPMENTALLY DISABLED. (a) For community-based programs for the developmentally disabled, the department shall allocate not more than ~~\$660,000~~ for the last 6 months of ~~1987~~ 1989, not more than ~~\$1,320,000~~ \$1,399,200 for ~~1988~~ 1990 and not more than ~~\$660,000~~ \$741,600 for the first 6 months of ~~1989~~ 1991.

(b) In addition to the amounts under par. (a), the department shall allocate for community-based programs for the developmentally disabled ~~for 1988~~ not more than ~~\$960,700~~ \$480,400 for the last 6 months of ~~1989~~, not more than ~~\$1,018,400~~ for ~~1990~~ and not more than ~~\$539,800~~ for the first 6 months of ~~1989~~ not more than \$480,400 1991 based on the number of individuals on the waiting list for services for the developmentally disabled in each county.

SECTION 1083. 46.40 (7) of the statutes is amended to read:

46.40 (7) FAMILY SUPPORT PROGRAMS. (a) For family support programs for the families of disabled children under s. 46.985, the department shall allocate not more than ~~\$330,600~~ \$985,600 for the last 6 months of ~~1987~~ 1989, not more than ~~\$661,200~~ \$1,971,200 for ~~1988~~ 1990 and not more than ~~\$330,600~~ \$985,600 for the first 6 months of ~~1989~~ 1991.

(b) In addition to the amounts allocated under par. (a), the department shall allocate, for expansion of the family support program in counties participating in the program on ~~August 1, 1987~~ December 31, 1989, not more than ~~\$300,000~~ \$164,500 for ~~1988~~ 1990 and not more than ~~\$150,000~~ \$82,300 for the first 6 months of ~~1989~~ 1991.

(c) In addition to the amounts allocated under par. (a), the department shall allocate, for provision of family support program services in counties not participating in the program on ~~August 1, 1987~~ December 31, 1989, not more than ~~\$485,000~~ \$327,000 for ~~1988~~ 1990 and not more than ~~\$505,000~~ \$409,000 for the first 6 months of ~~1989~~ 1991.

SECTION 1084. 46.40 (8) of the statutes is amended to read:

46.40 (8) ALZHEIMER'S FAMILY AND CAREGIVER SUPPORT. For services to persons with Alzheimer's disease and their caregivers under s. 46.87, the department shall allocate not more than ~~\$566,700~~ \$566,600 for the last 6 months of ~~1987~~ 1989, not more than ~~\$1,133,300~~ \$1,767,800 for ~~1988~~ 1990 and not more than ~~\$566,600~~ \$920,000 for the first 6 months of ~~1989~~ 1991.

SECTION 1085. 46.40 (8m) of the statutes is renumbered 46.48 (4) and amended to read:

46.48 (4) (title) SUPPORTED EMPLOYMENT. For grants to county departments under s. 46.23, 51.42 or 51.437 for programs to provide supported employment opportunities for severely disabled persons, the department shall allocate ~~\$60,000~~ for fiscal year ~~1988-89~~ 1989-90 and ~~\$60,000~~ for fiscal year 1990-91.

SECTION 1086. 46.40 (9) of the statutes is amended to read:

46.40 (9) EMERGENCIES. For emergencies, the department may allocate not more than ~~\$300,000~~ for the last 6 months of ~~1987~~ 1989, not more than ~~\$600,000~~ for ~~1988~~ 1990 and not more than ~~\$300,000~~ for the first 6 months of ~~1989~~ 1991.

SECTION 1087. 46.40 (10) (a) of the statutes is amended to read:

46.40 (10) (a) For alcohol and drug abuse services funded through moneys received under 42 USC 300x to 300x-9, the department shall allocate not more than ~~\$1,597,900~~ \$1,641,800 for the last 6 months of ~~1987~~ 1989, not more than ~~\$3,195,700~~ \$3,283,500 for ~~1988~~ 1990 and not more than ~~\$1,597,800~~ \$1,641,700 for the first 6 months of ~~1989~~ 1991.

SECTION 1088. 46.40 (10) (am) of the statutes is created to read:

46.40 (10) (am) In addition to the amounts allocated under par. (a), for alcohol and other drug abuse treatment for youth funded through moneys received under 42 USC 300x to 300x-9 the department shall allocate not more than ~~\$450,000~~ in 1990 and not more than ~~\$225,000~~ for the first 6 months of 1991.

SECTION 1089. 46.40 (10) (b) of the statutes is amended to read:

46.40 (10) (b) For mental health services funded through moneys received under 42 USC 300x to 300x-9, the department shall allocate not more than ~~\$125,000~~ for the last 6 months of ~~1987~~ 1989, not more than ~~\$250,000~~ for ~~1988~~ 1990 and not more than ~~\$125,000~~ for the first 6 months of ~~1989~~ 1991.

SECTION 1090. 46.40 (11) of the statutes is renumbered 46.48 (5) and amended to read:

46.48 (5) RELOCATION SERVICES FOR MENTALLY ILL PERSONS. For program start-up and services to mentally ill persons relocated or diverted from a skilled nursing facility or intermediate care facility at risk of being determined by the federal health care financing administration to be an institution for mental diseases, as defined under 42 CFR 435.1009 (e), the department may allocate not more than \$500,000 for fiscal year ~~1987-88~~ 1989-90 and not more than \$500,000 for fiscal year ~~1988-89~~ 1990-91. County matching funds are required for allocations under this subsection. A county's required match equals 9.89% of the county's allocation. The department may carry forward funds allocated under this subsection, but not encumbered by December 31, for allocation for the purpose under this subsection in the following calendar year.

SECTION 1091. 46.40 (11) of the statutes is created to read:

46.40 (11) FAMILY-BASED SERVICES. For family-based child welfare services, the department shall allocate not more than \$28,000 for the last 6 months of 1989, not more than \$1,146,300 for 1990 and not more than \$565,800 for the first 6 months of 1991.

SECTION 1092. 46.40 (12) of the statutes is renumbered 46.48 (6) and amended to read:

46.48 (6) SERVICES TO PERSONS WITH EPILEPSY. For grants for services to persons with epilepsy under s. 46.57, the department shall allocate not more than \$75,000 for the ~~first last~~ 6 months of 1989, ~~not more than \$150,000 for 1990 and not more than \$75,000 for the first 6 months of 1991.~~ The department may carry forward not more than 25% of the total amount allocated for a calendar year to a county, tribal governing body or nonprofit organization under this subsection, for use by the county, tribal governing body or nonprofit organization in the following calendar year.

SECTION 1093. 46.40 (14) of the statutes is renumbered 46.48 (7) and amended to read:

46.48 (7) SERVICES TO RESIDENTS OF CHRISTIAN LEAGUE FOR THE HANDICAPPED. ~~If the Christian league for the handicapped in Walworth county gives up its status as a provider under the medical assistance program under ss. 46.45 to 46.47, the~~ The department shall transfer allocate \$53,800 in fiscal year 1987-88 1989-90 and \$53,800 in fiscal year 1988-89 from the appropriation under s. 20.435 (1) (b) to the appropriation under s. 20.435 (4) (b) and allocate the funds 1990-91 to county departments under s. 46.23, 51.42 or 51.437 of the counties which are fiscally responsible for persons who resided in the facility Christian league for the handicapped in Walworth county on the date that the facility gives gave up its status as a medical assistance provider for the purpose of providing services to those residents persons.

SECTION 1094. 46.40 (15) of the statutes is renumbered 46.48 (8), and 46.48 (8) (a), as renumbered, is amended to read:

46.48 (8) (a) The department shall allocate \$497,200 in fiscal year ~~1988-89~~ 1989-90 and \$497,200 in fiscal year 1990-91 to counties for the purpose of supplementing payments for the care of an individual who attains age 18 after 1986 and who resided in a foster home, as defined in s. 48.02 (6), for at least 2 years immediately prior to attaining age 18 and, for at least 2 years, received exceptional foster care payments in order to avoid institutionalization, as provided under rules promulgated by the department, so that the individual may live in a family home or other noninstitutional situation after attaining age 18. No county may use funds provided under this paragraph to replace funds previously used by the county for this purpose. ~~The department shall provide funding to counties under this paragraph beginning in August, 1988.~~

~~SECTION 1094c. 46.42 of the statutes is created to read:~~

~~46.42 Community aids maintenance of effort. (1) In 1990 and the first 6 months of 1991, a county may not reduce the amount of county funds expended for services that may be funded under s. 46.40 below the amount of county funds expended for those services in 1989.~~

~~(2) The department shall monitor county expenditures for services that may be funded under s. 46.40 to determine whether a county violates sub. (1).~~

~~(3) If the department determines that a county violates sub. (1), the department shall reduce the amount of funds allocated to the county under s. 46.40 by the amount by which the county reduced its expenditures in violation of sub. (1), except that the reduction under this subsection may not reduce the amount of funds allocated to the county under s. 46.40 below the level allocated to the county in 1989.~~

SECTION 1095. 46.45 (intro.) of the statutes is amended to read:

46.45 Carry-over of community aids funds. (intro.) Funds allocated by the department under ss. 46.87 (3) (c) 4 and (4), 46.98 (2) (a) 2, 49.52 (1) (d) and 51.423 (2) but not spent or encumbered by counties, governing bodies of federally recognized American Indian tribes or private nonprofit organizations by December 31 of each year and funds recovered under ss. 49.52 (2) (b) and 51.423 (15) and deposited in the appropriation under s. 20.435 (4) (7) (b) lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year under s. 20.435 (4) (7) (b) or as follows:

SECTION 1096. 46.45 (1) of the statutes is amended to read:

46.45 (1) The department shall carry forward funds allocated for child day care under ss. 46.98 (2) (a) 2

Vetoed
in Part

and 49.52 (1) (d) as provided under s. 20.435 (4) (6) (n) and (7) (o).

SECTION 1097. 46.45 (2) of the statutes is repealed.

SECTION 1098. 46.45 (3) (a) of the statutes is amended to read:

46.45 (3) (a) Except as provided in par. (b) at the request of a county, tribal governing body or private nonprofit organization, the department shall carry forward up to 3% of the total amount allocated to the county, tribal governing body or nonprofit organization for a calendar year, except for funds allocated for day care under ss. 46.98 (2) (a) 2 and 49.52 (1) (d) and funds allocated under s. 46.40 (11) or (15), for use by the county, tribal governing body or nonprofit organization in the following calendar year. The department may not carry forward more than 25% of the amount allocated to a county, tribal governing body or nonprofit organization under s. 46.40 (2), (3), (5) to (10) or (12) (11). All funds carried forward for a tribal governing body or nonprofit organization and all federal child welfare funds, under 42 USC 620 to 626, and federal alcohol, drug abuse and mental health block grant funds, under 42 USC 300x to 300x-9, carried forward for a county shall be used for the purpose for which the funds were originally allocated. Except as provided under par. (am), other funds carried forward may be used for any purpose under s. 20.435 (4) (7) (b). If a county match was required by s. 49.52 (1) (d) or 51.423 (2) when funds carried forward were originally allocated, the county match requirement applies to the funds in the following calendar year.

SECTION 1099. 46.48 of the statutes is created to read:

46.48 Grants for community programs. (1) GENERAL. From the appropriation under s. 20.435 (7) (bc), the department shall allocate grants for community programs as provided in this section.

(9) ENERGY EMERGENCY AND OUTREACH SERVICES. For energy emergency and outreach services to elderly and rural low-income households in the south central area of the state, the department shall allocate not more than \$30,000 in fiscal year 1989-90 and not more than \$30,000 in fiscal year 1990-91 to the agency that administers the program under s. 49.80 in Dane and Dodge counties.

(10) POSITIVE YOUTH DEVELOPMENT COMMUNITY CENTER. (a) The department shall allocate \$9,000 in fiscal year 1989-90 and \$9,000 in fiscal year 1990-91 for a positive youth development community center in a 3rd class city that:

1. Had a population in 1986 of at least 34,000 but less than 35,000;
2. Has one of the highest juvenile arrest and incarceration rates in the state;
3. Has one of the highest teen pregnancy rates in the state; and
4. Has one of the highest high school dropout rates in the state.

(b) The department shall not allocate any funds under par. (a) unless the positive youth development community center is located in a geographic area within the 3rd class city specified under par. (a) that has high numbers of low-income persons and minorities.

Vetoed
in Part

SECTION 1100. 46.49 of the statutes is created to read:

46.49 Allocation of federal funds for community aids and child welfare. If the department receives unanticipated federal alcohol, drug abuse and mental health block grant funds under 42 USC 300x to 300x-9, foster care and adoption assistance payments under 42 USC 670 to 676 or social services block grant funds under 42 USC 1397 to 1397e and it proposes to allocate the unanticipated funds so that an allocation limit in s. 46.40 is exceeded, the department shall submit a plan for the proposed allocation to the joint committee on finance. If the cochairpersons of the committee do not notify the department that the committee has scheduled a meeting for the purpose of reviewing the plan within 14 working days after the date of the department's submittal, the department may implement the plan, notwithstanding s. 46.40. If within 14 working days after the date of the secretary's submittal the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan, notwithstanding s. 46.40, only with the approval of the committee.

SECTION 1101. 46.55 (3m) of the statutes is amended to read:

46.55 (3m) Within the limits of available funding under s. 20.435 (4) (7) (mb), the department shall award \$250,000 in grants under this section in the amount of \$250,000 in fiscal year 1988-89 1989-90 and \$250,000 in fiscal year 1990-91.

SECTION 1101m. 46.56 of the statutes is created to read:

46.56 Integrated service programs for children with severe disabilities. (1) DEFINITIONS. In this section:

(a) "Administering agency" means a county department designated by the county board of supervisors to administer the program.

(b) "Agency" means a private nonprofit organization that provides treatment services for children with severe disabilities and their families.

(c) "Child with severe disabilities" means an individual who has not attained 18 years of age and whose mental, physical, sensory, behavioral, emotional or developmental disabilities, or whose combination of multiple disabilities meets all of the following conditions:

1. Is severe in degree.
2. Has persisted for at least one year or is expected to persist for at least one year.
3. Causes substantial limitations in the child's ability to function in the family, the school or the commu-

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in Part

nity and with the child's ability to cope with the ordinary demands of life.

4. Causes the child to need services from 2 or more service systems.

(d) "County department" means a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, unless the context requires otherwise.

(e) "Intake" means the process by which the service coordination agency initially screens a child with severe disabilities and the child's family to see if a complete assessment is needed.

(f) "Integrated services" means treatment, education, care and support services provided, in a coordinated manner, for a child with severe disabilities and his or her family.

(g) "Integrated service plan" means the plan for treatment, education and support services for an eligible child with severe disabilities and the child's family under sub. (8) (h).

(h) "Interagency agreement" means a written document of understanding among service providers that identifies mutual responsibilities for implementing integrated services for children with severe disabilities.

(i) "Interdisciplinary team" means a group of professionals, assembled by the service coordinator, from various service systems who meet all of the following criteria:

1. Are skilled in providing treatment, education and support services for children with severe disabilities and their families.

2. Conduct comprehensive evaluations of the child with severe disabilities and the child's family's needs for treatment and support services.

3. Possess skills and knowledge of the needs or dysfunctions of the specific type presented by the child being assessed.

4. Are providing treatment, education or support services to the child with severe disabilities or the child's family, if the child or the child's family is receiving any treatment, education or support services.

(j) "Parent" means a parent who has legal custody, as defined in s. 767.001 (2), of a child, or a guardian or legal custodian of a child, as defined in s. 48.02 (8) and (11).

(k) "Program" means an integrated service program for children with severe disabilities.

(L) "Service coordination" means a case management service that coordinates multiple service providers who are serving a particular child with severe disabilities and the child's family. The term includes arrangement for assessment, development of an integrated service plan based on the assessment, advocacy for the needs of the child and the child's family, monitoring of the child's progress, facilitation of periodic reviews of the integrated service plan and coordination and maintenance of clear lines of communication

among all service providers and the child and the child's family.

(m) "Service coordination agency" means a county department, agency, school district, cooperative educational service agency or county handicapped children's education board designated in an interagency agreement by a coordinating committee to provide intake and service coordination for one or more target groups of eligible children with severe disabilities and their families.

(n) "Service coordinator" means an individual who is qualified by specialized training and clinical experience with children with severe disabilities and their families and who is appointed by the service coordination agency to provide coordination of treatment, education and support services for eligible children with severe disabilities and their families.

(o) "Service system" means the public and private organizations that provide specialized services for children with mental, physical, sensory, behavioral, emotional or developmental disabilities or that provide child welfare, juvenile justice, educational or health care services for children.

(p) "Treatment services" means the individualized social, emotional, behavioral and medical services designed to bring about habilitation, rehabilitation and appropriate developmental growth of a child with severe disabilities.

(2) ESTABLISHMENT OF PROGRAMS. If a county board of supervisors establishes a program under s. 59.07 (147), it shall appoint a coordinating committee and designate an administering agency. The program may be funded by the county or the county board of supervisors may apply for funding by the state in accordance with sub. (15).

(3) COORDINATING COMMITTEE. (a) The coordinating committee shall have the responsibilities specified in par. (d) and shall include representatives from all of the following:

1. The county department responsible for child welfare and protection services.

2. The county department responsible for mental health and alcohol and drug abuse services for children and families.

3. The county department responsible for providing services for children who are developmentally disabled.

4. The family support program under s. 46.985 if the county has a family support program.

5. The juvenile court administrator or another representative appointed by the judge responsible for cases heard under ch. 48.

6. The largest school district in the county and any cooperative educational service agency, if it provides special education in the county, or any county handicapped children's education board in the county, and any other school district in the county that is willing to

participate in the program, at the discretion of the administering agency.

7. At least 2 parents of children with severe disabilities, or the number of parents of children with severe disabilities that it will take to make the parent representation equal to 25% of the coordinating committee's membership, whichever is greater.

(b) The coordinating committee may include any of the following:

1. Representatives of the vocational rehabilitation office that provides services to the county.

2. Representatives of a vocational, technical and adult education school district that is located in the county.

3. Physicians specializing in care for children.

4. Representatives of health maintenance organizations that are operating in the county.

5. Representatives of law enforcement agencies that are located in the county.

6. Representatives of the county public health department.

7. Representatives of agencies that are located in the county.

(c) An existing committee within the county may serve as the coordinating committee if it has the membership required under par. (a) and agrees to undertake the responsibilities in par. (d).

(d) 1. The coordinating committee shall:

a. Prepare one or more interagency agreements in accordance with sub. (5) that all participatory organizations in the program agree to follow in creating and operating a program.

b. Assess how the program relates to other service coordination programs operating at the county or local level and take steps to work with the other service coordination programs and to avoid duplication of activities.

c. If a county applies for funding under sub. (15), assist the administering agency in developing the application required under sub. (15) (b).

d. Review determinations by the service coordination agency regarding eligibility, assessment, appropriate services, or funding of services at the request of any applicant, recipient, parent or participating county department, agency, school district, cooperative educational service agencies or county handicapped children's education boards. The committee shall adopt written procedures for conducting reviews.

2. The committee may do all of the following:

a. Act as a consortium to pursue additional funding for the program through grants from the state or federal government or private foundations.

b. Establish target groups of children with severe disabilities and their families to be served based on disability of the child, age of the child, geographic areas within the county and other factors with the approval of the department. If a county applies for

funding under sub. (15), children with severe emotional disabilities are required to be a target group.

(4) **ROLE OF ADMINISTERING AGENCY.** The administering agency designated under sub. (2) shall do all of the following:

(a) Oversee the development and implementation of the program and designate the staff needed for the program.

(b) Assist the coordinating committee in drafting and executing interagency agreements and any other operations necessary for the start-up and operation of the program.

(c) Distribute information about the availability and operation of the program to the general public as well as to public or private service providers who might seek to make referrals to the program.

(d) If the county board of supervisors decides to seek state funding under sub. (15), develop the application in cooperation with the coordinating committee.

(e) Undertake such other activities in compliance with another provision of the statutes, department rules and guidelines, interagency agreements and the directions of the coordinating committee as are necessary to ensure the effective and efficient operation of the program.

(5) **INTERAGENCY AGREEMENT.** An interagency agreement shall include all of the following:

(a) The identity of every county department, agency, school district, cooperative educational service agency or county handicapped children's education board, vocational, technical and adult education district or other organization that will participate in the program.

(b) The identification of services and resources that the participating organizations will commit to the program or will seek to obtain, including joint funding of services and funding for the qualified staff needed to support the program.

(c) The designation of service coordination agencies.

(d) The identification of any group of children with severe disabilities who will be targeted for services through the program.

(e) The procedures for outreach, referral, intake, assessment, case planning and service coordination that the program will use.

(f) The specific criteria, based on sub. (7), that will be used for deciding whether a child with severe disabilities and his or her family are eligible for services through the program.

(g) The procedures to be followed to obtain any required authorizations for sharing of confidential information among organizations providing treatment, education and support services to a child with severe disabilities and his or her family.

(h) The procedures that will be used for resolving conflicts among service providers or between clients and service providers.

(i) The methods that will be used to measure program effectiveness, including client satisfaction, and for revising the operation of the program in light of evaluation results.

(6) **ROLES OF SERVICE COORDINATION AGENCY, SERVICE COORDINATOR AND INTERDISCIPLINARY TEAM.** (a) There may be one or more service coordination agencies participating under the program. The organizations and the target groups that are to be served shall be identified in the interagency agreement under sub. (5). A service coordination agency shall:

1. Be selected based on the experience of the service coordination agency or its staff in providing services;
2. Identify a specific individual to act as service coordinator for each child with severe disabilities and the child's family to facilitate the implementation of the integrated service plan;
3. Provide or arrange for intake, assessment, case planning and service coordination under sub. (8); and
4. Act as a resource for information about other services for children with severe disabilities and their families who are not eligible for the program, if the coordinating committee determines that this service can be provided without interfering with the primary purpose of the program.

(b) The service coordinator shall have the functions specified in sub. (8) (f) to (i), (n) and (r).

(c) The interdisciplinary team shall have the functions specified under sub. (8) (f) and (h).

(7) **ELIGIBILITY OF CHILDREN AND FAMILIES.** Children with severe disabilities and their families shall be eligible for the program. The coordinating committee may establish specific additional criteria for eligibility for services and may establish certain target groups of children with severe disabilities to receive services. If target groups are established, only children with severe disabilities falling within the target groups are eligible for the program. Any eligibility criteria shall meet all of the following conditions:

(a) Be based on a community assessment that identifies areas of greatest need for integrated services for children with severe disabilities.

(b) Give priority to children with severe disabilities who are at risk of placement outside the home or who are in an institution and are not receiving integrated community-based services, or who would be able to return to community placement or their homes from an institutional placement if such services were provided.

(c) Not exclude a child with severe disabilities or that child's family from services because of lack of ability to pay.

(8) **REFERRAL, INTAKE, ASSESSMENT, CASE PLANNING AND SERVICE COORDINATION.** (a) Referrals to the program may come from any county departments, agencies, school districts, cooperative educational service agencies, county handicapped children's education boards, vocational, technical and adult education dis-

tricts, courts assigned to exercise jurisdiction under ch. 48 or any other organization or the child with severe disabilities or his or her family may contact the administering agency or service coordination agency to request services.

(b) Upon referral, staff from the service coordination agency shall screen the referral to determine if the child with severe disabilities and the child's family appear to meet the eligibility criteria and any target groups established by the coordinating committee. If the child with severe disabilities and the child's family appear to be eligible, the staff shall gather information from the child's family and any current service providers to prepare an application for the program.

(c) Consent for release of information and participation of a child with severe disabilities and his or her family in the program and in the program evaluation must be obtained from the child's parent, or the child, if appropriate or required, or by order of a court with appropriate jurisdiction.

(d) The service coordination agency shall review the completed application and, in light of the eligibility criteria in the interagency agreement and sub. (7), determine whether the child with severe disabilities and the child's family are appropriate for services through the program. The service agency shall approve or disapprove each application within 30 days after the date on which the application was received.

(e) If the child with severe disabilities and the child's family are found to be ineligible, staff from the service coordination agency shall assist them in obtaining needed services from appropriate providers.

(f) If the child with severe disabilities and the child's family are found to be eligible for the program, the agency shall assign a service coordinator who shall assemble an interdisciplinary team to assess the child with severe disabilities and the child's family's need for treatment, education, care and support.

(g) The service coordinator shall assemble the results of all prior relevant assessments and evaluations documenting the service needs of the child with severe disabilities and the child's family, including multidisciplinary team evaluations under s. 115.80 (3) or independent educational evaluations, court-ordered evaluations under s. 48.295, family support program evaluations, community integration program or community options program assessments, and any other available medical, psychiatric, psychological, vocational or developmental evaluations.

(h) The interdisciplinary team, the family of the child with severe disabilities and the service coordinator shall, based on existing assessments that have been assembled and any additional evaluations that they or the family find to be necessary, prepare an integrated service plan within 60 days after the date on which the application was received. The integrated service plan shall include all of the following:

1. The child's present level of functioning expressed in objective terms that will permit ongoing evaluation of the child's progress.

2. The short-term and long-term goals for treatment and support services for the child with severe disabilities and the child's family.

3. The services needed by the child with severe disabilities and the child's family, including the identity of each organization that will be responsible for providing a portion of the treatment, education and support services to be offered to the child and the child's family, and the specific services that each organization will provide.

4. Criteria for measuring the effectiveness and appropriateness of the integrated service plan so that it can be modified as needed to better meet the child's and the child's family's needs.

5. Identification of any administrative or judicial procedures under ch. 48, 51, 55, 115 or 118 that may be necessary in order to fully implement the integrated service plan and the identity of the individual or organization that will be responsible for initiating those procedures, if any are required.

6. Identification of available sources of funding to support the services needed for the child with severe disabilities and his or her family and an allocation of funding responsibility among organizations where more than one organization is responsible for the child's and the child's family's treatment, education and support services.

(i) If additional evaluations are needed, the service coordination agency shall arrange for them or assist the child's family in obtaining them.

(j) The proposed integrated service plan shall be submitted to any service providers who would be included in the integrated service plan and the court assigned to exercise jurisdiction under ch. 48 if participation in the program has been court ordered under s. 48.34 (6m).

(k) Upon written approval of the integrated service plan by the proposed service providers and the child's family, unless the child's involvement in the program is through court order under s. 48.355, in which case approval of the court may be substituted for that of the family, the integrated service plan shall be implemented by the service coordination agency and the service providers designated to provide services under the integrated service plan.

(L) In providing integrated services under this section, the service coordination agency and the designated service providers shall include in the integrated service plan all individuals who are active in the care of the child with severe disabilities, including members of the child's family, foster parents and other individuals who by close and continued association with the child have come to occupy significant roles in the care and treatment of the child with severe disabilities.

(m) Each service provider designated to provide services under the integrated service plan shall identify

a specific staff person who shall serve as the ongoing member of a treatment team to ensure continuity and communication while services are being provided to the child with severe disabilities and his or her family under the integrated service plan. The service coordinator shall coordinate the operations of the treatment team.

(n) The service coordinator shall advocate for the child with severe disabilities and the child's family and ensure that they are provided the opportunity to participate in assessment, planning and ongoing review of services to the fullest extent possible.

(o) Services under this section shall be provided in the community in the least restrictive and least intrusive setting and manner which meets the best interests of the child with severe disabilities.

(p) An integrated service plan shall not be used to place or accomplish the placement of a child with severe disabilities outside his or her home. Any out-of-home placements may occur only under the statutory provisions specifically controlling such placements or admissions.

(q) An integrated service plan may not modify an individualized education program created for a child with severe disabilities under ch. 115. The integrated service plan shall coordinate any educational services that are being provided to the child with severe disabilities with any treatment and support services that are being provided to the child with severe disabilities and that child's family.

(r) The service coordinator shall, when necessary and at least every 6 months, assemble the treatment team, the family of the child with severe disabilities, the child with severe disabilities, where appropriate, and any counsel, guardian ad litem or other person advocating for the interests of the child with severe disabilities or the child's family to review the integrated service plan, progress toward the goals of the integrated service plan, establish new goals, request the inclusion of new participating organizations, or otherwise modify the integrated service plan to better meet the needs of the child with severe disabilities and the child's family. Decisions to amend the integrated service plan must be approved by the service coordinator, the treatment team, the family and, where the integrated service plan is being provided under a court order, by the court.

(s) Services under the integrated service plan may be terminated by the agreement of all participants that the goals of treatment and support have been met and that an integrated service plan is no longer needed, by order of the court if services are being provided under court order, by withdrawal of the family of the child with severe disabilities unless participation is court ordered, or by the service coordination agency upon a recommendation from the service coordinator and the treatment team, that further services are not in the child's best interests, or that the child with severe disa-

bilities and child's family no longer meet the eligibility criteria for the program.

(9) **IMMEDIATE CARE.** Individual county departments, agencies and other service providers may provide immediate services as necessary and appropriate to children with severe disabilities who have been referred for participation in the program while assessment and planning take place.

(10) **RELATION TO FAMILY SUPPORT PROGRAM.** In any county that has a family support program under s. 46.985, the integrated service program shall coordinate its activities with the family support program. The administering agency for the family support program may act as a service coordination agency for the integrated service program and the family support program advisory committee may act as the coordinating committee if the requirements of this section are met and the department gives its approval.

(11) **INFORMAL CONFLICT MANAGEMENT.** The department, administering agency, service coordination agencies and service coordinators shall establish and use informal means for conflict management, including consultation, mediation and independent assessment, whenever possible.

(12) **ADMINISTRATIVE APPEALS.** Decisions by the service coordination agency regarding eligibility, denial, termination, reduction or appropriateness of services may be appealed to the coordinating committee by a child with severe disabilities who is a service applicant or recipient or the parent or guardian or guardian ad litem of the applicant or recipient. Decisions of the coordinating committee may be appealed to the department under ch. 227.

(13) **REVIEW OF ACTIONS BY INDIVIDUAL AGENCIES.** Nothing in this section shall limit, modify or expand the rights, remedies or procedures established in federal or state law for individuals or families receiving services provided by individual organizations that are participating in the integrated service plan.

(14) **DUTIES OF DEPARTMENT.** (a) In order to support the development of a comprehensive system of coordinated care for children with severe disabilities and their families, the department shall establish a statewide advisory committee with representatives of county departments, the department of public instruction, educational agencies, professionals experienced in the provision of services to children with severe disabilities, families with children with severe disabilities, advocates for such families and their children, the subunit of the department that administers vocational rehabilitation, the vocational, technical and adult education system, health care providers, courts assigned to exercise jurisdiction under ch. 48, child welfare officials, and other appropriate persons as selected by the department. The department may use an existing committee for this purpose if it has representatives from the listed groups and is willing to perform the

required functions. This committee shall do all of the following:

1. Monitor the development of programs throughout the state and support communication and mutual assistance among operating programs as well as those that are being developed.

2. Within 2 years after the effective date of this subdivision [revisor inserts date], submit a report to the governor and the chief clerk of each house of the legislature for distribution to appropriate standing committees on children, in the manner provided in s. 13.172 (3). The report shall evaluate the development and implementation of these programs and provide recommendations for further action by the legislature or the department to improve coordinated services for children with severe disabilities and their families.

(b) The department shall provide, either directly or through purchase of services, the following support services to the counties that elect to participate in the program:

1. Consultation in the areas of developing individual integrated service plans, finding appropriate resources, and establishing and maintaining local programs.

2. Mediation to assist in the management of conflict among service providers or funding organizations or between service recipients and organizations.

3. Assessment resources for cases where no local evaluation resource is available or sufficient to enable development of an effective integrated service plan. These may be provided directly through state-operated programs or by referral to private service providers.

(c) The department shall evaluate the programs funded under this section. The report of this evaluation shall be submitted to the chief clerk of each house of the legislature for distribution to the appropriate standing committees on children, in the manner provided in s. 13.172 (3), and shall be broadly disseminated to county departments and school districts. The evaluation shall be completed by January 1, 1992 and all organizations participating in the program shall cooperate with the evaluation. The evaluation shall include information about all of the following:

1. The number of days that children with severe disabilities served in the programs spent in out-of-home placement compared to other children with severe disabilities in the target group.

2. Whether or not the program's goals under sub. (15) (e) have been met and the program's plan for allocating funding from institutional services to community-based services for children with severe disabilities has been implemented.

3. A comparison between any changes in problem behaviors of participants before and after participation in the program.

4. A comparison between school attendance and performance of participants before and after participation in the program.

5. A comparison between recidivism rates of participants who have a history of delinquency.

6. Parent and child satisfaction with the program.

7. Types of services provided to children with severe disabilities and their families in the program through the integrated service plan and the cost of these services.

8. Fulfillment of the terms of the interagency agreements developed by the coordinating committee.

(d) Notwithstanding sub. (1) (c) (intro.), if the state is funding the program in a particular county under sub. (15), the department may permit the county to serve any individual who has severe disabilities and who has not attained 22 years of age if the individual's mental, physical, sensory, behavioral, emotional or developmental disabilities or whose combination of multiple disabilities meets the requirements specified in sub. (1) (c) 1 to 4.

(15) FUNDING. (a) From the appropriation under s. 20.435 (7) (co), the department shall make available funds to implement programs. The funds may be used to pay for the intake, assessment, case planning and service coordination provided under sub. (8) and for expanding the capacity of the county to provide community-based care and treatment for children with severe disabilities.

(b) In order to apply for funds under this section the county board of supervisors shall do all of the following:

1. Establish a coordinating committee and designate an administering agency under sub. (2).

2. Establish children with severe emotional disturbances to be the priority target group served by the program.

3. Submit a plan to the department for implementation of the integrated service program in accordance with the requirements of this section.

4. Submit a description of the existing services in the county for children with severe disabilities, an assessment of any gaps in services, and a plan for using the funds under this program or from other funding sources to develop or expand any needed community-based services such as in-home treatment, treatment foster care, day treatment, respite care or crisis services.

(c) In order to obtain funds under this section, matching funds equal to 20% of the requested funding shall be provided by the participating county departments and school districts. All of the participating county departments and school districts shall participate in providing the match, which may be cash or in-kind. The department shall determine what may be used as in-kind match.

(d) In order to apply for funding, at least one school district, cooperative educational service agency or county handicapped children's education board

serving children with severe disabilities in the county must participate in the program.

(e) During the first year of funding under this section, the coordinating committee and the administering agency shall develop and submit to the department, for its approval, a set of goals for diverting children with severe disabilities from placements outside the home and a plan for allocating funding from institutional services to community-based services for children with severe disabilities. The coordinating committee and the administering agency shall also ensure that any funds saved, during the course of the program, as a result of the reduced use of institutional care by the target population will be allocated to community-based services for the target population.

(f) Funds allocated under this subsection may not be used to replace any other state and federal funds or any county funds that are being used to fund services for children with severe disabilities.

SECTION 1102. 46.57 (2) (a) of the statutes is amended to read:

46.57 (2) (a) ~~From the appropriations under s. 20.435 (4) (b) and (c) As provided under s. 46.48 (6), the department shall award grants to agencies to provide direct services or indirect services to or on behalf of persons with epilepsy, their families or both.~~

~~SECTION 1102L. 46.63 (2) of the statutes is amended to read:~~

~~46.63 (2) In addition to the amounts appropriated under s. 20.435 (1) (ev), the department shall allocate \$250,000 for fiscal year 1988-89 from moneys received under the maternal and child health services block grant program, 42 USC 701 to 709, for the outreach program under this section. The department may not use funds from the appropriation under s. 20.435 (1) (ev) or any maternal and child health service block grant funds allocated under this subsection to fund maternal and child health administrative positions in the department.~~

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SECTION 1103. 46.70 (2) of the statutes is amended to read:

46.70 (2) From the appropriations under s. 20.435 (4) (7) (dL) and (o), the department may make available to any of the 11 federally recognized tribal governing bodies in this state funds for the purposes stated in sub. (1). Beginning ~~January 1, 1985~~ July 1, 1989, and ending ~~December 31, 1985~~ September 30, 1989, the department may award to each tribal governing body up to ~~\$26,000~~ \$6,800. Beginning ~~January 1, 1986~~ October 1, 1989, and ending ~~December 31, 1986~~ September 30, 1990, the department may award to each tribal governing body up to ~~\$26,800~~ \$27,200. Beginning ~~January 1, 1987~~ October 1, 1990, and ending ~~June 30, 1987~~ 1991, the department may award to each tribal governing body up to ~~\$13,800~~ \$20,400. Receipt of funds is contingent upon department approval of the application. The department may partially approve any application and provide only

part of the funds requested. Each application shall contain a plan for expenditure of funds, consistent with the purposes stated in sub. (1).

SECTION 1103m. 46.75 of the statutes is created to read:

46.75 Food distribution start-up grants. (1) DEFINITIONS. In this section:

(a) "Agency" means a public agency or private nonprofit organization.

(b) "Food distribution service" means a program that provides food directly to individuals with low incomes or a program that collects and distributes food to persons who provide the food directly to individuals with low incomes.

(2) PURPOSE; AMOUNT. (a) From the appropriation under s. 20.435 (7) (dn), the department shall award grants to agencies to start food distribution services that qualify for participation in the temporary emergency food assistance program under P.L. 98-8, as amended.

(b) The department may not award more than \$20,000 to any agency for the program under this section.

(3) CRITERIA FOR AWARDING GRANTS. In evaluating applications for grants, the department shall give priority to proposed food distribution services that do the following:

(a) Serve areas that are not served or are underserved by food distribution services.

(b) Are easily accessible in terms of location and hours of operation.

(c) Provide information to individuals with low incomes concerning other services available to those individuals.

(d) Provide nutritionally balanced food.

(e) Use simple methods to determine eligibility.

(f) Appear likely to continue operation after using the grant under this section.

SECTION 1103p. 46.77 of the statutes is created to read:

46.77 Food distribution administration. From the appropriation under s. 20.435 (7) (dp), the department shall allocate funds to eligible recipient agencies, as defined in the temporary emergency food assistance act, P.L. 98-8, section 201A, as amended, for the storage, transportation and distribution of commodities provided under the hunger prevention act of 1988, P.L. 100-435, ~~section 104~~.

SECTION 1103t. 46.79 of the statutes is created to read:

46.79 Lyme disease; treatment, information and research. (1) The department shall perform research relating to Lyme disease in humans.

(2) The department, in consultation with the department of public instruction, the department of natural resources and the department of agriculture,

trade and consumer protection, shall do all of the following:

(a) Monitor the spread and incidence of Lyme disease.

(b) Investigate suspected and confirmed cases of Lyme disease.

(c) Review materials, activities and epidemiologic investigations prepared or conducted in other states in which Lyme disease is endemic and recommend a statewide strategy for dealing with Lyme disease.

(d) Develop, update and disseminate information for use by clinicians, laboratory technicians and health departments under chs. 140 and 141 that diagnose or treat Lyme disease or investigate cases or suspected cases of Lyme disease.

(e) Develop and distribute information through offices of physicians and public health clinics and by newsletters, public presentations or other releases of information. That information shall include all of the following:

1. A description of Lyme disease.

2. Means of identifying whether or not individuals may be at risk of contracting Lyme disease.

3. Measures that individuals may take to protect themselves from contracting Lyme disease.

4. Locations for procuring additional information or obtaining testing services.

(f) Conduct research on the serological prevalence of Lyme disease.

SECTION 1104. 46.80 (5) (a) of the statutes is amended to read:

46.80 (5) (a) The department shall administer a state supplement to the federal congregate nutrition projects under 42 USC 3030e, in effect on April 30, 1980, from the appropriation under s. 20.435 (4) (7) (dh) which will promote expansion of projects throughout the state. The department shall allocate these funds based on the percentage of the state's population of low-income persons over age 60 who reside in each county or who are members of an American Indian tribe, except that all counties receiving federal funds for congregate nutrition projects on or after July 1, 1977, may not receive an amount less than the 1976-77 allocation as a result of the program expansion. This paragraph does not require that federal limitations on the use of federal congregate nutrition funds for home delivered meals apply to the state supplement.

SECTION 1105b. 46.81 (2) (a) of the statutes is amended to read:

46.81 (2) (a) From the appropriation under s. 20.435 (4) (7) (dj), the department shall allocate ~~\$818,600~~ \$360,400 for the last 6 months of 1989, \$720,800 for 1988 1990 and \$360,400 for the first 6 months of 1989 1991 to aging units to provide benefit specialist services for older persons. The department shall ensure that each aging unit receives funds and shall take into account the proportion of the state's

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population of low-income older persons who reside in a county.

SECTION 1106b. 46.81 (2) (b) of the statutes is repealed and recreated to read:

46.81 (2) (b) In addition to the amounts under par. (a), from the appropriation under s. 20.435 (7) (dj), the department shall allocate \$110,700 for 1990 and \$55,300 for the first 6 months of 1991 to aging units to provide benefit specialist services to older persons. The department shall allocate the funds under this paragraph so that each aging unit which in 1989 received funds under this subsection sufficient to provide 15 hours per week of benefit specialist services receives funds under this subsection sufficient to provide 20 hours per week of benefit specialist services; and so that each aging unit which in 1989 received funds under this subsection sufficient to provide 27 hours per week of benefit specialist services receives funds under this subsection sufficient to provide 30 hours per week of benefit specialist services.

SECTION 1107. 46.81 (5) of the statutes is amended to read:

46.81 (5) From the appropriation under s. 20.435 (4) (7) (dj) the department shall allocate ~~\$133,000 in 1987-89~~ \$33,300 for the last 6 months of 1989, \$132,500 for 1990, and \$66,300 for the first 6 months of 1991 to area agencies on aging for training, supervision and legal back-up services for the benefit specialist program.

SECTION 1108. 46.85 (3) of the statutes is amended to read:

46.85 (3) Prior to January 1, 1982, the department shall make renewable state grants-in-aid from the appropriation under s. 20.435 (4) (7) (dh) to qualified public and nonprofit private agencies for the operation of local senior companion and retired senior volunteers program units. The grants shall be for periods of 12 months or less and shall be for no more than 90% of approved nonfederal expenditures and other expenditures specifically authorized by the secretary. The grants may not be used to match other state funds. The department shall apportion funds provided under this subsection to each county that receives funds under this section for the period from January 1, 1981, to June 30, 1981. The department shall allocate the amount apportioned upon application by qualified public and nonprofit private agencies. Any amounts apportioned to a county but not allocated may be apportioned and allocated to other counties. Funds provided under this subsection may not be allocated to any project unless that project maintains its calendar year 1979 levels of federal and local funding, except to the extent that available federal funding decreases. Programs funded under this subsection and established after July 29, 1979, shall engage at least 10 companions or volunteers or combination thereof.

SECTION 1109am. 46.85 (3m) (a) of the statutes is amended to read:

46.85 (3m) (a) From the appropriation under s. 20.435 (4) (7) (dh), the department shall provide a state supplement to federally funded senior companion and retired senior volunteer program units that were in operation on August 1, 1987 December 1, 1988, and administered by qualified public and non-profit private agencies.

SECTION 1110. 46.85 (3m) (b) (intro.) of the statutes is amended to read:

46.85 (3m) (b) (intro.) From the appropriation under s. 20.435 (4) (7) (dh), the department shall allocate funds, based on the percentage of the state's population of low-income persons over age 60 who reside in each county or are members of an American Indian tribe, to counties and federally recognized tribal governing bodies to supplement any of the following:

SECTION 1113. 46.855 (intro.) of the statutes is amended to read:

46.855 Alzheimer's disease; training and information grants. (intro.) From the appropriation under s. 20.435 (4) (7) (bf), the department shall award a grant to a private nonprofit organization, as defined under s. 108.02 (19) to do all of the following:

SECTION 1114. 46.87 (2) of the statutes is amended to read:

46.87 (2) From the appropriations under s. 20.435 (4) (7) (b) and (o), the department shall allocate funds to agencies designated under sub. (3) (c), to be used for the administration and implementation of an Alzheimer's family and caregiver support program for persons with Alzheimer's disease and their caregivers.

SECTION 1114c. 46.90 (1) (ag), (ar) and (bm) of the statutes are created to read:

46.90 (1) (ag) "Aging unit" has the meaning given under s. 46.81 (1) (a).

(ar) "Case management" means an assessment of need for direct services, development of a direct service plan and coordination and monitoring of the provision of direct services.

(bm) "Direct services" includes temporary shelter, relocation assistance, housing, respite care, emergency funds for food and clothing and legal assistance.

SECTION 1114e. 46.90 (3) (a) of the statutes is amended to read:

46.90 (3) (a) Each county agency shall develop a policy for notifying law enforcement officials in appropriate cases and shall establish an elder abuse reporting system to carry out the purposes of this section. Each county agency shall enter into a memorandum of understanding regarding the operation of the system with the county department under s. 46.215 or 46.22 and with any private or public agency, including a county department under s. 51.42 or 51.437, within the county that is participating in the elder abuse reporting system. The memorandum of understanding shall, at a minimum, identify the agencies that are responsible for the investigation of reports of abuse, material abuse, neglect or self-neglect and for the provision of specific direct services.

SECTION 1114g. 46.90 (5) (title) of the statutes is amended to read:

46.90 (5) (title) INVESTIGATIONS.

SECTION 1114h. 46.90 (5) (e) of the statutes is renumbered 46.90 (5m) (a) and amended to read:

46.90 (5m) (a) After the investigation is completed, the county agency or the investigating agency shall determine if the elder person or any other ~~person~~ individual involved in the alleged abuse, material abuse, neglect or self-neglect is in need of services under this chapter or ch. 47, 49, 51 or 55. ~~Within From the appropriation under s. 20.435 (7) (dh), the department shall allocate to selected counties not less than \$25,000 for fiscal year 1989-90 and not less than \$25,000 for fiscal year 1990-91, and within the limits of these funds and of available state and federal funds and of county funds appropriated to match the state and federal funds, the county agency shall provide the necessary direct services to the elder person or other individual or arrange for the provision of the direct services with other agencies or individuals. Those direct services provided shall be rendered under the least restrictive conditions necessary to achieve their objective.~~

SECTION 1114j. 46.90 (5) (g) of the statutes is amended to read:

46.90 (5) (g) An elder person may refuse to allow an investigation under this subsection ~~or may refuse to accept services unless a guardian authorizes the investigation or services.~~ The investigator shall notify the elder person of this right to refuse before or at the point of commencing an investigation ~~and the county agency or other provider agency shall notify the elder person of this right before providing services.~~

SECTION 1114k. 46.90 (5m) (title) of the statutes is created to read:

46.90 (5m) (title) PROVISION OF SERVICES.

SECTION 1114m. 46.90 (5m) (b) of the statutes is created to read:

46.90 (5m) (b) If the county agency designated under sub. (2) is not the county aging unit, the county agency in each county shall consult with and accept advice from the county aging unit with respect to the distribution of the funds for direct services that are allocated under par. (a).

SECTION 1114p. 46.90 (5m) (c) of the statutes is created to read:

46.90 (5m) (c) An elder person may refuse to accept services unless a guardian authorizes the services. The county agency or other provider agency shall notify the elder person of this right to refuse before providing services.

SECTION 1114q. 46.90 (6) (b) 6 of the statutes is amended to read:

46.90 (6) (b) 6. To any agency or individual that provides direct services under sub. ~~(5) (e)~~ (5m). Information obtained under this subdivision shall remain confidential.

SECTION 1114s. 46.90 (7) of the statutes is amended to read:

46.90 (7) EXCEPTION. Nothing in this section shall be construed to mean that a person is abused, neglected or in need of ~~emergency~~ direct or protective services solely because he or she consistently relies upon treatment by spiritual means through prayer for healing in accordance with his or her religious tradition.

SECTION 1114w. 46.90 (9) of the statutes is created to read:

46.90 (9) ELDER ABUSE AWARENESS CAMPAIGN. From the appropriation under s. 20.435 (6) (dh), the department shall conduct a statewide elder abuse awareness campaign by use of mass media communication, including public service announcements, and by development, printing and distribution of informational brochures and posters, to increase the general public's awareness of the problem of elder abuse.

SECTION 1114x. 46.925 of the statutes is amended to read:

46.925 Vehicle sticker for the hearing impaired. Upon the request of a person who is certified as hearing impaired by the department, by a licensed physician, by a licensed hearing aid dealer or fitter or by an audiologist certified by the American speech-language-hearing association, the department shall issue to the person a decal or sticker for display on a motor vehicle owned or frequently operated by the person to apprise law enforcement officers of the fact that the vehicle is owned or operated by a hearing-impaired person. No charge shall be made for issuance of the decal or sticker. The department shall specify the design of the decal or sticker. The department shall designate the location on the vehicle at which the decal or sticker shall be affixed by its own adhesive to the interior surface of the lower left hand corner of the windshield of the vehicle.

SECTION 1115. 46.95 (2) (a) of the statutes is amended to read:

46.95 (2) (a) The secretary shall make grants from the appropriations under s. 20.435 ~~(4) (7)~~ (7) (cb) and (hh) to organizations for the provision of any of the services specified in sub. (1) (d). Grants may be made to organizations which have provided those domestic abuse services in the past or to organizations which propose to provide those services in the future. No grant may be made to fund services for child abuse or abuse of elderly persons.

SECTION 1115d. 46.95 (2m) of the statutes is created to read:

46.95 (2m) REPORTING REQUIREMENTS. Any organization that receives a grant under this section shall report all of the following information to the department by February 15 annually:

(a) The total expenditures that the organization made on domestic abuse services in the period for which the grant was provided.

(b) The expenditures specified in par. (a) by general category of domestic abuse services provided.

(c) The number of persons served in the period for which the grant was provided by general type of domestic abuse service.

(d) The number of persons who were in need of domestic abuse services in the period for which the grant was provided but who did not receive the domestic abuse services that they needed.

SECTION 1116. 46.96 (2) of the statutes is amended to read:

46.96 (2). The department shall make grants from the appropriations under s. 20.435 (4) ~~(e) or (ke) or~~ (5) (bm) and (na) or (7) (c) or (kc) to independent living centers for nonresidential services to severely disabled persons.

SECTION 1117. 46.97 (2) (a) of the statutes is amended to read:

46.97 (2) (a). From the appropriation under s. 20.435 (4) (7) (cc), the department shall award grants to eligible applicants for the purpose of supplementing the operating budgets of agencies and shelter facilities that have or anticipate a need for additional funding because of the renovation or expansion of an existing shelter facility, the development of an existing building into a shelter facility, the expansion of shelter services for homeless persons or an inability to obtain adequate funding to continue the provision of an existing level of services.

SECTION 1118. 46.97 (2) (b) (intro.) of the statutes is amended to read:

46.97 (2) (b) (intro.). The department shall allocate funds from the appropriation under s. 20.435 (4) (7) (cc) for temporary shelter for homeless individuals and families as follows:

SECTION 1118c. 46.97 (2) (b) 1 of the statutes is amended to read:

46.97 (2) (b) 1. At least ~~\$300,000~~ \$400,000 in each year to eligible applicants located in Milwaukee county.

SECTION 1118e. 46.97 (2) (b) 2 of the statutes is amended to read:

46.97 (2) (b) 2. At least ~~\$50,000~~ \$66,500 in each year to eligible applicants located in Dane county.

SECTION 1118g. 46.97 (2) (b) 4 of the statutes is amended to read:

46.97 (2) (b) 4. In addition to the amounts under subs. 1 to 3, no more than ~~\$150,000~~ \$183,500 in each year to eligible applicants without restriction as to the location of the applicants.

SECTION 1118i. 46.972 of the statutes is created to read:

46.972 Services for homeless individuals. (1) TRANSITIONAL HOUSING. From the appropriation under s. 20.435 (7) (ce), the department shall allocate up to \$162,000 in the 1989-91 biennium for operating costs of transitional housing, as defined in 42 USC 11382 (12) (A). The department shall allocate the funds

under this subsection to applicants who are recipients of assistance under 42 USC 11383 (a) (3). The amount allocated to an applicant may not exceed 50% of the amount of operating costs not paid under 42 USC 11383 (a) (3).

(2) PRIMARY HEALTH SERVICES. (a) In this subsection, "primary health services" has the meaning given in 42 USC 254c (b) (1).

(b) From the appropriation under s. 20.435 (7) (ce), the department shall allocate up to \$250,000 in the 1989-91 biennium to applying public or nonprofit private entities for the costs of providing primary health services to homeless individuals. Entities that receive funds allocated by the department under this subsection shall provide the primary health services as required under 42 USC 256 (f). The amount that the department allocates to an applying entity may not exceed 50% of the amount of matching funds required under 42 USC 256 (e).

(3) MENTAL HEALTH SERVICES. (a) In this subsection, "chronic mental illness" has the meaning given in s. 51.01 (3g).

(b) From the appropriation under s. 20.435 (7) (ce), the department shall allocate up to \$250,000 in the 1989-91 biennium to applying public or nonprofit private entities for the costs of providing certain mental health services to homeless individuals with chronic mental illness. Entities that receive funds allocated by the department under this subsection shall provide the mental health services required under 42 USC 290cc-24. The amount that the department allocates to an applying entity may not exceed 50% of the amount of matching funds required under 42 USC 290cc-23.

(4) REPORTING. On June 30 annually, the department shall submit a report on the allocation and expenditure of funds under this section to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2).

SECTION 1119. 46.976 of the statutes is created to read:

46.976 Group home revolving loan fund. (1) DEFINITION. In this section, "nonprofit organization" has the meaning given in s. 108.02 (19).

(2) DISTRIBUTION OF LOANS. From the appropriation under s. 20.435 (7) (ma), the department shall establish, and from the appropriation under s. 20.435 (7) (gd), the department shall continue, a revolving fund to make 2-year loans of up to \$4,000 each to applying nonprofit organizations for the costs of establishing programs to provide housing for groups of no fewer than 4 individuals who are recovering from alcohol or other drug abuse. The department may establish the terms of loans under this section, including interest rates, payment intervals and requirements for full repayment of principal and interest.

(3) NONAPPLICABILITY. Chapter 138 does not apply to this section.

(4) **RULE MAKING REQUIRED.** The department shall promulgate rules to implement this section and effectuate the purpose of 42 USC 300x-4a.

SECTION 1120. 46.977 (2) (a) of the statutes is amended to read:

46.977 (2) (a) Annually, prior to April 30, an organization may apply to the department for a grant under this section for the purpose of recruiting, training, monitoring and assisting guardians for persons determined to be incompetent under ch. 880. By June 30, the department shall determine which organizations will receive a grant during the following fiscal year based on the criteria under par. (c). The department shall make grants under this section from the appropriation under s. 20.435 (4) (7) (cg).

SECTION 1124. 46.98 (3) (am) of the statutes is created to read:

46.98 (3) (am) Beginning January 1, 1990, funds distributed under sub. (2) (a) 1 may not be used to provide day care services for a parent who is eligible under s. 49.50 for payment of child care costs unless funding under s. 49.50 for which the parent is eligible is unavailable.

SECTION 1125b. 46.98 (3) (b) of the statutes is amended to read:

46.98 (3) (b) Counties may spend moneys distributed under sub. (2) (a) 1 for child care purposes other than those in par. (a) only as provided in par. (bm) or with the approval of the department. Child care purposes include start-up, maintenance and expansion of child care services and facilities, education and training for persons providing child care and the payment of wages for recipients of aid under s. 49.19 who work for a child care provider.

SECTION 1127. 46.98 (3) (bm) of the statutes is amended to read:

46.98 (3) (bm) Funds distributed under sub. (2) (a) 1 may not be used for the costs of administering the program under this section, except that a county may use up to 3% of the funds distributed to it under sub. (2) (a) 1 for the costs of recruiting child care providers and of certification under s. 48.651.

SECTION 1128m. 46.98 (4) (c) 3 of the statutes is created to read:

46.98 (4) (c) 3. Give 3rd priority to parents who are eligible to receive aid under par. (a) 2 or 3, who have been recipients of aid under s. 49.19 within the prior 24 months and who are working.

SECTION 1131. 46.98 (4) (cm) of the statutes is created to read:

46.98 (4) (cm) If funds distributed under this section are insufficient to meet the needs of all eligible parents, a county may, after providing aid to individuals under par. (c), give 4th priority to parents who are eligible to receive aid under par. (a) 1 and who are working.

SECTION 1136c. 46.981 of the statutes is created to read:

46.981 Child care expansion. From the appropriation under s. 20.435 (7) (cm), the department shall allocate funds to counties for recruitment of child care providers, for start-up and expansion of child day care services and to provide child day care information and referral services to parents. ~~From the appropriation under s. 20.435 (7) (cm), the department shall also allocate funds to head start agencies designated under 42 USC 9836 to provide day care for children receiving services from the head start program under 42 USC 9831 to 9832 who need full-day care because of a parent's work, family stress or other special needs, as determined by the department.~~

Vetoed
in Part

Vetoed
in Part

SECTION 1137. 46.982 of the statutes is created to read:

46.982 Refusal to pay child care providers. The department or a county department under s. 46.215, 46.22 or 46.23 may refuse to pay a child care provider for child care provided under s. 46.98 or any other program if any of the following applies to the child care provider, employee or person living on the premises where child care is provided:

(1) The person has been convicted of a felony or misdemeanor that the department or county department under s. 46.215, 46.22 or 46.23 determines substantially relates to the care of children.

(2) The person is the subject of a pending criminal charge that the department or county department under s. 46.215, 46.22 or 46.23 determines substantially relates to the care of children.

(3) The person has been determined under s. 48.981 to have abused or neglected a child.

SECTION 1138. 46.983 of the statutes is amended to read:

46.983 Day care employment pilot. From the appropriation under s. 20.435 (4) (7) (df), the department shall fund contracts with municipalities or private nonprofit organizations to establish day care centers in counties in which the program under s. 49.50 (7j) operates. The department shall contract for the establishment of 2 day care centers under this section. The day care centers shall provide community work experience jobs under s. 49.50 (7j) (d) and shall seek to provide regular employment for recipients of aid to families with dependent children under s. 49.19.

SECTION 1139. 46.985 (7) (a) of the statutes is amended to read:

46.985 (7) (a) From the appropriations under s. 20.435 (4) (7) (b) and (o), the department shall allocate to county departments funds for the administration and implementation of the program.

SECTION 1140. 46.99 (title) of the statutes is amended to read:

46.99 (title) Provision and start-up of day care programs for student parents.

SECTION 1141. 46.99 (1) (c) of the statutes is repealed.

SECTION 1142b. 46.99 (2) (a) of the statutes is renumbered 46.99 (2) and amended to read:

46.99 (2) CONTRACTS WITH SCHOOL BOARDS. From the appropriation under s. 20.435 ~~(4)~~ (7) (eg), the department may contract with school boards for the provision of day care programs.

SECTION 1143. 46.99 (2) (b) and (c) of the statutes are repealed.

SECTION 1145. 46.99 (3) (c) of the statutes is amended to read:

46.99 (3) (c) The day care services it provides or purchases for eligible children will be located either in the building in which a student parent attends school or on premises which are readily accessible to student parents.

SECTION 1146d. 46.99 (5) (a) and (b) of the statutes are amended to read:

46.99 (5) (a) When the department offers a contract under sub. (2) ~~(e)~~ to a school board, and when the school board accepts the offer, the department shall notify the county department under s. 46.215, 46.22 or 46.23 in each county in which the school district is located.

(b) The county department specified under par. (a) shall pay the school board from its child day care allocation under s. 46.40 (4) an amount equal to the amount offered to the school board by the department under sub. (2) ~~(e)~~. If the school district is located in more than one county, the department shall determine the amount each county department shall pay the school board, based on the school district's population in each county.

SECTION 1146f. 46.99 (6) of the statutes is repealed.

SECTION 1146h. 46.99 (7) of the statutes is created to read:

46.99 (7) START-UP OF PROGRAMS. From the appropriation under s. 20.435 (7) (eg), the department may allocate funds for the start-up of day care programs.

SECTION 1147. 46.995 (2) (intro.) of the statutes is amended to read:

46.995 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES. (intro.) From the appropriation under s. 20.435 ~~(4)~~ (7) (eg), the department may allocate \$582,100 in each of state fiscal years ~~1987-88~~ 1989-90 and ~~1988-89~~ 1990-91 to provide a grant annually to a public or private entity or to the elected governing body of a federally recognized American Indian tribe or band to provide services in counties or to a tribe or band for adolescent parents which shall emphasize high school graduation and vocational preparation, training and experience and may be structured so as to strengthen the adolescent parent's capacity to fulfill parental responsibilities by developing social skills and increasing parenting skills. The public or private entity seeking to receive a grant to provide these services shall develop a proposed service plan that is approved by

the department. Except with respect to award of a grant to a tribe or band, the department shall rank individual counties and give priority by this ranking for the award of grants under this subsection, based on all of the following factors:

SECTION 1148. 46.995 (3) (a) (title) of the statutes is repealed.

SECTION 1149. 46.995 (3) (a) of the statutes is renumbered 46.995 (3) and amended to read:

46.995 (3) ADOLESCENT PREGNANCY PREVENTION SERVICES. From the appropriation under s. 20.435 ~~(4)~~ (7) (eg), the department may allocate \$340,000 in each of state fiscal years ~~1987-88~~ 1989-90 and ~~1988-89~~ 1990-91 to provide a grant annually to a public or private entity or to the elected governing body of a federally recognized American Indian tribe or band to provide to high-risk adolescents pregnancy and parenthood prevention services which shall be structured so as to increase development of decision-making and communications skills, promote graduation from high school and expand career and other options and which may address needs of adolescents with respect to pregnancy prevention. Except with respect to award of a grant to a tribe or band, the department shall rank individual counties and give priority by this ranking for the award of grants under this ~~paragraph subsection~~, based on the factors specified under sub. (2) (a) to (d).

SECTION 1150. 46.995 (3) (b) of the statutes is repealed.

SECTION 1151. 46.995 (4) of the statutes is amended to read:

46.995 (4) GRANT RENEWAL. If provisions of a grant made under sub. (2) or (3) ~~(a)~~ are met, the department may renew the grant up to 4 times before reassessing the grantee's eligibility for funding based on the rank by individual counties established under sub. (2) or (3) ~~(a)~~.

SECTION 1152. 46.997 of the statutes is created to read:

46.997 Adolescent choices project grants. (1) In this section:

(a) "Adolescent" means a person who is at least 10 years of age but under the age of 18.

(b) "Dropout" has the meaning given under s. 118.153 (1) (b).

(c) "Indian tribe" means a federally recognized American Indian tribe or band in this state.

(d) "Nonprofit corporation" means a nonstock, nonprofit corporation organized under ch. 181.

(e) "Organization" means a nonprofit corporation, a public agency or an Indian tribe which proposes to provide adolescent choices project services.

(f) "Public agency" means a county, city, village, town or school district or an agency of this state or of a county, city, village, town or school district.

(2) From the appropriation under s. 20.435 (6) (a), the department shall allocate not more than \$65,500 in each of state fiscal years 1989-90 and 1990-91 to solicit

applications from organizations and provide technical assistance to grantees and, from the appropriation under s. 20.435 (7) (eg), the department shall allocate not more than \$210,000 in each of state fiscal years 1989-90 and 1990-91 to make grants to applying organizations for the provision, on a regional or tribal project basis, of information to communities in order to increase community knowledge about problems of adolescents and information to and activities for adolescents, particularly female adolescents, in order to enable the adolescents to develop skills with respect to all of the following:

(a) Reducing adolescent pregnancy and high school dropout rates.

(b) Increasing economic self-sufficiency and expanding career options for adolescents, particularly options with respect to occupations with wages higher than the minimum wage.

(c) Enhancing individual adolescent self-esteem, interpersonal skills and responsible decision making.

(d) Neutralizing sex-role stereotyping and bias.

(3) Each funded regional project under sub. (2) shall provide services in one of 6 regional areas of the state, and each funded tribal project under sub. (2) shall provide services in areas of the state as approved by the Indian tribe and the department. The department shall determine the boundaries of the regional areas prior to soliciting project grant applications.

(4) Prior to making grants to applying organizations under sub. (2), the department shall consider whether and how the applying organization proposes to coordinate its services with other public or private resources, programs or activities in the region and the state.

(5) The department shall work closely with the women's council and the department of public instruction, on a continuing basis, concerning the scope and direction of activities under projects funded by the program under sub. (2).

SECTION 1153. 47.03 (1m) (b) of the statutes is amended to read:

47.03 (1m) (b) ~~It is the intent of the legislature to provide funding to the nonprofit corporation with which the department contracts under par. (a) over a 6-year period, beginning in fiscal year 1985-86. It is the intent of the legislature to provide the nonprofit corporation \$464,000 in fiscal year 1987-88, with which the department contracts under par. (a) \$348,000 in fiscal year 1988-89, \$232,000 in fiscal year 1989-90 and \$116,000 in fiscal year 1990-91. In addition, it is the intent of the legislature to provide an annual \$100,000 contract compliance payment for each of those fiscal years 1989-90 and 1990-91, if the audit under par. (a) so indicates.~~

SECTION 1153c. 47.03 (10m) of the statutes is created to read:

47.03 (10m) (a) From the appropriation under s. 20.435 (5) (f), the department shall allocate \$40,000 in

each of state fiscal years 1989-90 and 1990-91 to provide grants in the amount of \$8,000 each to applying entities to fund a portion of the costs to the entity, including salary and fringe benefits, of a full-time interpreter for hearing-impaired persons.

(b) If the department contracts under sub. (10) for the provision of interpreter services for hearing-impaired persons with an entity that receives a grant for that interpreter's costs under par. (a), the department may not be required to pay the first \$8,000 of services provided by the interpreter employed by the entity.

SECTION 1153e. 47.03 (10r) of the statutes is created to read:

47.03 (10r) From the appropriation under s. 20.435 (5) (f), the department shall allocate \$30,000 in state fiscal year 1989-90 to provide grants in the amount of \$10,000 each to applying hospitals to fund a portion of the costs to the hospital, including salary and fringe benefits, of a full-time interpreter for hearing-impaired persons. An interpreter who is employed by a hospital from funds under this subsection shall provide services in the hospital, in other hospitals and in medical clinics in the region of the hospital for community interpreting needs and on an on-call basis for emergencies.

SECTION 1153g. 47.10 (1) (intro.) of the statutes is amended to read:

47.10 (1) (intro.). From the appropriation under s. 20.435 (5) (bm), the department shall allocate \$52,400 in fiscal year 1987-88 1989-90 and \$52,400 in fiscal year 1988-89 1990-91 to contract with an organization to provide services to Hispanic workers who have been injured in industrial accidents, including all of the following:

SECTION 1153r. 48.02 (9s) of the statutes is created to read:

48.02 (9s) "Integrated service plan" has the meaning given in s. 46.56 (1) (g).

SECTION 1154. 48.02 (15m) of the statutes is amended to read:

48.02 (15m) "Secured correctional facility" means a correctional institution operated by the department of corrections for holding in secure custody persons adjudged delinquent.

SECTION 1155. 48.02 (16) of the statutes is amended to read:

48.02 (16) "Secure detention facility" means a locked facility approved by the department of corrections under s. 46.16 301.36 for the secure, temporary holding in custody of children.

SECTION 1158. 48.069 (1) (intro.) of the statutes is amended to read:

48.069 (1) (intro.) The staff of the department of health and social services, the department of corrections, the court, a county department or a licensed child welfare agency designated by the court to carry out the objectives and provisions of this chapter shall:

Vetoed
in Part

Vetoed
in Part

SECTION 1159. 48.069 (2) of the statutes is amended to read:

48.069 (2) Licensed child welfare agencies ~~and, the department of health and social services and the department of corrections~~ shall provide services under this section only upon the approval of the agency from whom services are requested.

SECTION 1160. 48.07 (1) of the statutes is amended to read:

48.07 (1) DEPARTMENT OF HEALTH AND SOCIAL SERVICES. The court may request the services of the department for cases with special needs which cannot adequately be provided by the county department. The department may furnish such requested services, subject to s. 46.03 (18). When such services are requested after January 1, 1980, the department shall provide, from the appropriation under s. 20.435 (4) (6) (km), such services only to the extent that the county provides funds to the department equal to the net cost the department will incur as a result of providing the services requested and only if s. 46.26 does not apply.

SECTION 1161. 48.07 (1) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed.

SECTION 1163e. 48.17 (2) (a) (intro.) of the statutes is renumbered 48.17 (2) (a) 1 and amended to read:

48.17 (2) (a) 1. Except as provided in sub. (1), municipal courts have concurrent jurisdiction with the court assigned to exercise jurisdiction under this chapter in proceedings against children aged 14 or older for violations of county, town or other municipal ordinances. If evidence is provided by the school attendance officer that the activities under s. 118.16 (5) have been completed, the municipal courts court specified in subd. 2 may exercise jurisdiction in proceedings against a child for a violation of an ordinance enacted under s. 118.163 regardless of the child's age and regardless of whether the court assigned to exercise jurisdiction under this chapter has jurisdiction under s. 48.13 (6).

3. When a child is alleged to have violated a municipal ordinance, the child may be:

SECTION 1163f. 48.17 (2) (a) 1 to 3 of the statutes are renumbered 48.17 (2) (a) 3. a to c.

SECTION 1163g. 48.17 (2) (a) 2 of the statutes is created to read:

48.17 (2) (a) 2. a. In this subdivision, "administrative center" means the main administrative offices of a school district.

b. The municipal court that may exercise jurisdiction under subd. 1 is the municipal court that is located in the same municipality as the administrative center of the school district in which the child is enrolled, if that municipality has adopted an ordinance under s. 118.163.

c. If the municipality specified under subd. 2. b has not adopted an ordinance under s. 118.163, the municipal court that may exercise jurisdiction under subd. 1

is the municipal court that is located in the municipality where the school in which the child is enrolled is located, if that municipality has adopted an ordinance under s. 118.163.

d. If the municipality specified under subd. 2. c has not adopted an ordinance under s. 118.163, the municipal court that may exercise jurisdiction under subd. 1 is the municipal court that is located in the municipality where the child resides, if that municipality has adopted an ordinance under s. 118.163.

SECTION 1164. 48.17 (2) (c), (d) and (e) of the statutes are amended to read:

48.17 (2) (c) The citation procedures described in ch. 800 shall govern proceedings involving children in municipal court, except that this chapter shall govern the taking and holding of a child in custody. When a child is before the court assigned to exercise jurisdiction under this chapter upon a citation alleging the child to have violated a civil law or municipal ordinance, the procedures specified in s. 48.237 shall apply. If a citation is issued to a child, the issuing agency shall, within 7 days, notify the child's parent or guardian. The agency issuing a citation to a child who is 14 or 15 years of age for a violation of s. 125.07 (4) (a) or (b), ~~125.08~~ 125.085 (3) (b) or 125.09 (2) or an ordinance conforming to one of those statutes shall send a copy to an intake worker under s. 48.24 for informational purposes only.

(d) If a municipal court finds that the child violated a municipal ordinance other than an ordinance enacted under s. 118.163 or an ordinance which conforms to s. 125.07 (4) (a) or (b), ~~125.08~~ 125.085 (3) (b) or 125.09 (2), it shall enter any of the dispositional orders permitted under s. 48.343 (1), (2), (5), (6), (7) or (8). If a child fails to pay the forfeiture imposed by the municipal court, the court shall not impose a jail sentence but may suspend any license issued under ch. 29 for not less than 30 nor more than 90 days, or suspend the child's operating privilege, as defined in s. 340.01 (40), for not less than 30 nor more than 90 days. If a court suspends a license under this section, it shall immediately take possession of the suspended license and forward it to the department which issued the license, together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the first 30 days after the license is suspended, the suspension shall be reduced to the minimum period of 30 days. If it is paid thereafter, the court shall immediately notify the department, which shall thereupon return the license to the person. If it is paid after the end of the 30 days, the suspension shall be reduced to the time period which has already elapsed and the court shall immediately notify the department which shall then return the license to the child.

(e) If a municipal court finds that a child violated a municipal ordinance which conforms to s. 125.07 (4) (a) or (b), ~~125.08~~ 125.085 (3) (b) or 125.09 (2), it shall enter a dispositional order under s. 48.344.

SECTION 1169c. 48.19 (1) (d) 6 of the statutes is amended to read:

48.19 (1) (d) 6. The child has violated the terms of court-ordered supervision or aftercare supervision administered by the department of corrections or a county department;

SECTION 1185. 48.205 (1) (c) of the statutes is amended to read:

48.205 (1) (c) Probable cause exists to believe that the child will run away or be taken away so as to be unavailable for proceedings of the court or its officers or proceedings of the department juvenile offender review program for revocation of aftercare supervision.

SECTION 1187. 48.209 (1) (intro.) of the statutes is amended to read:

48.209 (1) (intro.) There is no other secure detention facility approved by the department of corrections or a county which is available and:

SECTION 1188. 48.209 (1) (a) of the statutes is amended to read:

48.209 (1) (a) The jail meets the standards for secure detention facilities established by the department of corrections;

SECTION 1191. 48.22 (1) (a) of the statutes is amended to read:

48.22 (1) (a) The county board of supervisors may establish a secure detention facility or a shelter care facility or both or the county boards of supervisors for 2 or more counties may jointly establish a secure detention facility or a shelter care facility or both in accordance with ss. 46.16 and, 46.20 and 301.36.

SECTION 1192. 48.22 (2) (a) of the statutes is amended to read:

48.22 (2) (a) Plans Counties shall submit plans for the secure detention facility, or juvenile portion of the county jail or shelter care facility shall be approved by the department to the department of corrections and submit plans for the shelter care facility to the department of health and social services. The applicable department shall review the submitted plans. The counties may not implement any such plan unless the applicable department has approved the plan. The department of corrections shall promulgate rules establishing minimum requirements for the approval of the operation of secure detention facilities and the juvenile portion of county jails. The plans and rules shall be designed to protect the health, safety and welfare of the children in these facilities.

SECTION 1193. 48.22 (2) (b) of the statutes is amended to read:

48.22 (2) (b) If the department of corrections approves, the secure detention facility may be a part of a public building in which there is a jail or other facility for the detention of adults if it is so physically segregated from the jail or other facility that it may be entered without passing through areas where adults

are confined and that children detained in the facility cannot communicate with or view adults confined therein.

SECTION 1194. 48.225 of the statutes is amended to read:

48.225 (title) Statewide plan for detention homes. The department of corrections shall assist counties in establishing detention homes under s. 48.22 by developing and promulgating a state-wide statewide plan for the establishment and maintenance of suitable detention facilities reasonably accessible to each court.

SECTION 1197. 48.23 (1) (a) of the statutes is amended to read:

48.23 (1) (a) Any child alleged to be delinquent under s. 48.12 or held in a secure detention facility shall be represented by counsel at all stages of the proceedings, but a child 15 years of age or older may waive counsel provided if the court is satisfied such that the waiver is knowingly and voluntarily made and the court accepts the waiver. If the waiver is accepted, the court may not transfer legal custody of the child to the subunit of the department administering of corrections for placement in a secured correctional facility or transfer jurisdiction over the child to adult court.

SECTION 1197m. 48.237 (2) of the statutes is amended to read:

48.237 (2) The procedures for issuance and filing of a citation, and for forfeitures, stipulations and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4), 66.119, 778.25, 778.26 and 800.01 to 800.04 except s. 800.04 (2) (b), when the citation is issued by a law enforcement officer, shall be used as appropriate, except that this chapter shall govern taking and holding a child in custody, s. 48.37 shall govern costs, penalty assessments and jail and detention facility assessments, and a capias shall be substituted for an arrest warrant. Sections 66.119 (3) (c), 66.12 (1) and 778.19 as they relate to collection of forfeitures do not apply.

Vetoed
in Part

SECTION 1198. 48.24 (2m) (a) 2 of the statutes is amended to read:

48.24 (2m) (a) 2. Any child alleged to be delinquent or in need of protection and services who has at least 2 prior adjudications for a violation of s. 125.07 (4) (a) or (b), 125.08 125.085 (3) (b) or 125.09 (2) or a local ordinance that strictly conforms to any of those sections.

SECTION 1201g. 48.33 (1) (c) of the statutes is amended to read:

48.33 (1) (c) A description of the specific services or continuum of services which the agency is recommending that the court order for the child or family, the persons or agencies that would be primarily responsible for providing those services, and the identity of the person or agency that would provide case management or coordination of services if any or whether or not the child should receive an integrated service plan.

SECTION 1202. 48.33 (3) of the statutes is amended to read:

48.33 (3) CORRECTIONAL PLACEMENT REPORTS. A report recommending transfer of the child's custody to the ~~subunit~~ of the department ~~administering~~ of corrections for placement in a secured correctional facility shall be in writing and, in addition to the information specified under sub. (1) (a) to (d), shall include a description of any less restrictive alternatives that are available and that have been considered, and why they have been determined to be inappropriate.

SECTION 1203. 48.34 (intro.) of the statutes is amended to read:

48.34 Disposition of child adjudged delinquent. (intro.) If the judge adjudges a child delinquent, he or she shall enter an order deciding one or more of the dispositions of the case as provided in this section under a care and treatment plan. Subsections (4m) and (8) are exclusive dispositions, except that either disposition may be combined with the disposition under sub. (4p) or (7m) and the disposition under sub. (4m) may be combined with the disposition under sub. (5). The dispositions under this section are:

SECTION 1205c. 48.34 (2) of the statutes is amended to read:

48.34 (2) Place the child under supervision of an agency, the department of corrections if the department approves or a suitable adult, including a friend of the child, under conditions prescribed by the judge including reasonable rules for the child's conduct and the conduct of the child's parent, guardian or legal custodian, designed for the physical, mental and moral well-being and behavior of the child.

SECTION 1209. 48.34 (4m) (intro.) of the statutes is amended to read:

48.34 (4m) (intro.) Transfer legal custody to the ~~subunit~~ of the department ~~administering~~ of corrections for placement in a secured correctional facility, but only if:

SECTION 1209p. 48.34 (6m) of the statutes is created to read:

48.34 (6m) If the report prepared under s. 48.33 recommends that the child is in need of an integrated service plan and if an integrated service program under s. 46.56 has been established in the county, the judge may order that an integrated service plan be developed and implemented.

SECTION 1212. 48.34 (7m) of the statutes is created to read:

48.34 (7m) If the child is adjudicated delinquent under a violation of s. 161.41 (2r), (3), (3m), (3n) or (3r) by possessing a controlled substance listed in schedule I or II under ch. 161 while in or otherwise within 1,000 feet of a state, county, city, village or town park, a swimming pool open to members of the public, a youth center, as defined in s. 161.01 (22), or a community center, while on or otherwise within 1,000 feet of any private or public school premises or while on or otherwise within 1,000 feet of a school bus, as

defined in s. 340.01 (56), the judge shall do both of the following:

(a) Require that the child participate for 100 hours in a supervised work program under sub. (9) or perform 100 hours of other community service work.

(b) Revoke the child's operating privilege, as defined in s. 340.01 (40), for not less than 6 months nor more than 2 years. The judge shall immediately take possession of any revoked license and forward it to the department of transportation together with the record of conviction and notice of the revocation.

SECTION 1212m. 48.341 of the statutes is created to read:

48.341 Aftercare legal custody. If a court transfers legal custody under s. 48.34 (4m), the court's order has the effect of allowing the juvenile offender review program to subsequently transfer legal custody of the child from the department of corrections to the subunit that administers aftercare in the division of community services in the department of health and social services.

SECTION 1213d. 48.344 (1) (b) of the statutes is repealed.

SECTION 1213h. 48.344 (2) (intro.) of the statutes is amended to read:

48.344 (2) (intro.) If a court finds a child committed a violation under s. 125.07 (4) (b) or 125.09 (2), or a local ordinance which strictly conforms to one of those statutes, it shall order one or any combination of the following penalties:

SECTION 1213p. 48.344 (2b) of the statutes is created to read:

48.344 (2b) If a court finds a child committed a violation under s. 125.07 (4) (a), or a local ordinance which strictly conforms to s. 125.07 (4) (a), it shall order one or any combination of the following penalties:

(a) For a first violation, a forfeiture of not less than \$250 nor more than \$500, suspension of the child's operating privilege as provided under s. 343.30 (6) (b) 1 or the child's participation in a supervised work program under s. 48.34 (9).

(b) For a violation committed within 12 months of a previous violation, a forfeiture of not less than \$300 nor more than \$500, suspension of the child's operating privilege as provided under s. 343.30 (6) (b) 2 or the child's participation in a supervised work program under s. 48.34 (9).

(c) For a violation committed within 12 months of 2 or more previous violations, a forfeiture of \$500, revocation of the child's operating privilege as provided under s. 343.30 (6) (b) 3 or the child's participation in a supervised work program under s. 48.34 (9).

SECTION 1213q. 48.344 (2d) of the statutes is created to read:

48.344 (2d) If a court finds a child committed a violation under s. 125.08 (3) (b), or a local ordinance which strictly conforms to s. 125.08 (3) (b), it shall

order one or any combination of the following penalties:

(a) For a first violation, a forfeiture of not less than \$100 nor more than \$500, suspension of the child's operating privilege as provided under s. 343.30 (6) (b) 1 or the child's participation in a supervised work program under s. 48.34 (9).

(b) For a violation committed within 12 months of a previous violation, a forfeiture of not less than \$300 nor more than \$500, suspension of the child's operating privilege as provided under s. 343.30 (6) (b) 2 or the child's participation in a supervised work program under s. 48.34 (9).

(c) For a violation committed within 12 months of 2 or more previous violations, a forfeiture of \$500, revocation of the child's operating privilege as provided under s. 343.30 (6) (b) 3 or the child's participation in a supervised work program under s. 48.34 (9).

SECTION 1213qm. 48.344 (2d) (intro.) of the statutes, as created by 1989 Wisconsin Act (this act), is repealed and recreated to read:

48.344 (2d) (intro.) If a court finds a child committed a violation under s. 125.085 (3) (b), or a local ordinance which strictly conforms to s. 125.085 (3) (b), it shall order one or any combination of the following penalties:

SECTION 1213t. 48.344 (2g) (a) (intro.) of the statutes is amended to read:

48.344 (2g) (a) (intro.) After ordering a penalty under sub. (2) (b) or (c), (2b) (b) or (c) or (2d) (b) or (c), the court assigned to exercise jurisdiction under this chapter, with the agreement of the child, may enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed. The order under this paragraph shall require the child to do any of the following:

SECTION 1213w. 48.344 (2m) of the statutes is amended to read:

48.344 (2m) For purposes of ~~sub.~~ subs. (2) to (2d), all violations arising out of the same incident or occurrence shall be counted as a single violation.

SECTION 1214. 48.345 (1) (a) of the statutes is amended to read:

48.345 (1) (a) Transfer the custody of the child to the ~~subunit of the~~ department administering of corrections.

SECTION 1217. 48.355 (4) (a) of the statutes is amended to read:

48.355 (4) (a) Except as provided under par. (b), all orders under this section shall terminate at the end of one year unless the judge specifies a shorter period of time. Extensions or revisions shall terminate at the end of one year unless the judge specifies a shorter period of time. No extension under s. 48.365 of an original dispositional order may be granted for a child whose legal custody has been transferred to the department of corrections under s. 48.34 (4m) if the child is 18 years of age or older when the original dis-

positional order terminates. Any order made before the child reaches the age of majority shall be effective for a time up to one year after its entry unless the judge specifies a shorter period of time.

SECTION 1219. 48.355 (6) (d) 1 of the statutes is amended to read:

48.355 (6) (d) 1. Placement of the child in a secure detention facility or juvenile portion of a county jail that meets the standards promulgated by the department of corrections by rule, for not more than ~~ten~~ 10 days and educational services consistent with his or her current course of study during the period of placement.

SECTION 1222. 48.357 (3) of the statutes is amended to read:

48.357 (3) If the proposed change in placement would involve placing the child with ~~the subunit of the~~ department administering of corrections notice shall be given as provided in sub. (1). A hearing shall be held, unless waived by the child, parent, guardian and legal custodian, before the judge makes a decision on the request. The child shall be entitled to counsel at the hearing, and any party opposing or favoring the proposed new placement may present relevant evidence and cross-examine witnesses. The proposed new placement may be approved only if the judge finds, on the record, that the conditions set forth in s. 48.34 (4m) have been met.

SECTION 1223. 48.357 (4) of the statutes is amended to read:

48.357 (4) When the child is placed with ~~the subunit of the~~ department administering of corrections, the ~~department~~ juvenile offender review program may, after consultation with the department of corrections and an examination under s. ~~48.50~~ 48.556, place the child in a secured correctional facility or on aftercare, either immediately or after a period of placement in a secured correctional facility. When a child is placed on aftercare, the juvenile offender review program may transfer the legal custody of the child from the department of corrections to the subunit that administers aftercare in the division of community services in the department of health and social services. The ~~department~~ juvenile offender review program shall send written notice of the change to the parent, guardian, legal custodian and committing court.

SECTION 1224. 48.357 (4m) of the statutes is amended to read:

48.357 (4m) The department of corrections shall try to release a child on aftercare under sub. (4) within 30 days after the date the ~~department~~ juvenile offender review program determines the child is eligible for the release.

SECTION 1225. 48.357 (5) of the statutes is amended to read:

48.357 (5) If a child placed with ~~the subunit of the~~ department administering of corrections has been released on aftercare, revocation of aftercare shall not

require prior notice under sub. (1). A child on aftercare status may be taken into custody only as provided in ss. 48.19 to 48.21. The child shall be entitled to representation by counsel at all stages of the revocation proceeding. The hearing shall be conducted ~~under ch. 227 by an independent officer of the department the juvenile offender review program.~~ Review of a revocation decision shall be by certiorari to the court by whose order the child was placed with the ~~subunit of the department administering of corrections.~~ If the subunit that administers aftercare in the division of community services in the department of health and social services has legal custody of a child for aftercare purposes and the child's aftercare is revoked, the juvenile offender review program shall transfer legal custody of the child back to the department of corrections.

SECTION 1226. 48.36 (1) of the statutes is amended to read:

48.36 (1) If legal custody is transferred from the parent or guardian or the court otherwise designates an alternative placement for the child by a disposition made under s. 48.34 or 48.345, the duty of the parent or guardian or, in the case of a transfer of guardianship and custody under s. 48.839 (4), the duty of the former 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 custody or placement and 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 of health and social services, the department of corrections, or a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, shall be subject to the payment provisions under ss. 46.03 (18) and 46.10 (14) and 301.12. However, if at the time the child is placed into ~~such~~ those residential services a court order for support already exists under s. 49.90 or ch. 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 1229c. 48.365 (1) of the statutes is renumbered 48.365 (1) (a) and amended to read:

48.365 (1) (a) ~~The~~ Except as provided in par. (b), the parent, child, guardian, legal custodian, any person or agency bound by the dispositional order, the district attorney or corporation counsel in the county in which the dispositional order was entered or the court on its own motion, may request an extension of an order under s. 48.355. The request shall be submitted to the court which entered the order. No order under s. 48.355 may be extended except as provided in this section.

SECTION 1230. 48.365 (1) (b) of the statutes is created to read:

48.365 (1) (b) If the department of corrections has legal custody of a child, the department may not submit a request under par. (a), unless the child is on aftercare. The juvenile offender review program may submit a request, after consultation with the department of corrections, regarding any child in the legal custody of the department of corrections, unless the child is on aftercare.

SECTION 1231. 48.365 (2g) (a) of the statutes is amended to read:

48.365 (2g) (a) At the hearing the person or agency primarily responsible for providing services to the child shall file with the court a written report stating to what extent the dispositional order has been meeting the objectives of the plan for the child's rehabilitation or care and treatment. The juvenile offender review program may file a written report regarding any child examined by the program.

SECTION 1232c. 48.366 (1) (intro.) of the statutes is amended to read:

48.366 (1) APPLICABILITY. (intro.) If the person committed any crime specified under s. 940.01, 940.02, 940.05, 940.201, 940.21 or 940.225 (1) (a) to (c), is adjudged delinquent on that basis and is transferred to the legal custody of the ~~subunit of the department administering of corrections~~ under s. 48.34 (4m), the court shall enter an order extending its jurisdiction as follows:

SECTION 1235. 48.366 (5) (a) 2 of the statutes is amended to read:

48.366 (5) (a) 2. The department of corrections or county department having legal custody of the person.

SECTION 1236. 48.366 (5) (b) (intro.) of the statutes is amended to read:

48.366 (5) (b) (intro.) The department of corrections or county department may, at any time, file a petition proposing either release of a person subject to an order to aftercare supervision or revocation of the person's aftercare supervision. The petition shall set forth in detail:

SECTION 1237. 48.366 (5) (d) of the statutes is amended to read:

48.366 (5) (d) 1. At the time the department of corrections or county department files a petition under par. (a), it shall provide written notice of the petition to the person who is the subject of the petition. The notice to the person who is the subject of the petition shall state that the person has a right to request a hearing on the petition and, if the petition is for revocation of a person's aftercare supervision, that the person has the right to counsel. The department of corrections or county department shall also provide written notice of the petition to the office of the district attorney that filed the petition on the basis of which the child was adjudged delinquent and the victim, if any, of the delinquent act.

2. At the time a person subject to an order files a petition under par. (a), the person shall provide writ-

ten notice of the petition to the department of corrections or county department, as applicable.

SECTION 1238. 48.366 (5) (f) of the statutes is amended to read:

48.366 (5) (f) If the court grants a petition to release a person to aftercare supervision and the person's county of residence is one in which the county department provides aftercare supervision, the department of corrections may contract with the county department under s. 46.036 for aftercare supervision of the person.

SECTION 1239. 48.366 (6) (a) 2 of the statutes is amended to read:

48.366 (6) (a) 2. The department of corrections or the county department having a legal custody of the person.

SECTION 1240. 48.366 (6) (b) of the statutes is amended to read:

48.366 (6) (b) The petition shall state the factual basis for the petitioner's belief that discharge will not pose a threat of bodily harm to other persons. The department of corrections or county department may file a petition at any time. The person subject to the order may file a petition not more often than once a year.

SECTION 1241. 48.366 (6) (c) of the statutes is amended to read:

48.366 (6) (c) 1. At the time the department of corrections or county department files a petition under par. (a), it shall provide written notice of the petition to the person who is the subject of the petition. The notice to the person who is the subject of the petition shall state that the person has the right to counsel. The department of corrections or county department shall also provide written notice of the petition to the office of the district attorney that filed the petition on the basis of which the person was adjudged delinquent and to the victim, if any, of the delinquent act.

2. At the time a person subject to an order files a petition under par. (a), he or she shall provide written notice of the petition to the department of corrections or county department, whichever has legal custody of the person.

SECTION 1242. 48.366 (7) of the statutes is amended to read:

48.366 (7) NOTICE OF HEARING. Upon receipt of a request for a hearing under sub. (5) or upon receipt of a petition under sub. (6), the court shall set a date for a hearing on the matter. In any of those cases, the court shall notify the department of corrections and each person specified in sub. (5) (d) 1 or (6) (c) 1 of the hearing at least 7 days before the hearing, except that if any such person lives outside of this state, the notice shall be mailed at least 14 days before the hearing.

SECTION 1243. 48.366 (8) of the statutes is amended to read:

48.366 (8) TRANSFER TO OR BETWEEN FACILITIES. The department of corrections may transfer a person subject to an order between secured correctional facilities and, after the person attains the age of 18 years, transfer the person to or between state prisons named in s. 53.04 302.01 without petitioning for revision of the order under sub. (5) (a).

SECTION 1243m. 48.37 of the statutes is amended to read:

~~48.37 Costs. No costs, penalty assessments or jail and detention facility assessments may be assessed against any child in a court assigned to exercise jurisdiction under this chapter. Courts of civil and criminal jurisdiction exercising jurisdiction under s. 48.17 may assess the same costs, penalty assessments and jail and detention facility assessments against children as they may assess against adults, except that witness fees shall not be charged to the child.~~

Vetoed
in Part

SECTION 1244. 48.38 (1) (a) of the statutes is amended to read:

48.38 (1) (a) "Agency" means the department of health and social services, the department of corrections, a county department or a licensed child welfare agency.

SECTION 1245. 48.38 (3) (a) of the statutes is amended to read:

48.38 (3) (a) If the child is alleged to be delinquent and is being held in a secure detention facility, juvenile portion of a county jail or shelter care facility, and the agency intends to recommend that custody of the child be transferred to the ~~subunit of the~~ department ~~administering~~ of corrections for placement in a secured correctional facility, the agency is not required to submit the permanency plan unless the court does not accept the agency's recommendation. If the court places the child in any facility outside of his or her home other than a secured correctional facility, the agency shall file the permanency plan with the court within 60 days after the date of disposition.

SECTION 1247. 48.38 (6) (intro.) of the statutes is amended to read:

48.38 (6) RULES. (intro.) The department of health and social services shall promulgate rules establishing the following:

SECTION 1248. 48.396 (2) of the statutes is amended to read:

48.396 (2) Records of the court assigned to exercise jurisdiction under this chapter and of courts exercising jurisdiction under s. 48.17 (2) shall be entered in books or deposited in files kept for that purpose only. They shall not be open to inspection or their contents disclosed except by order of the court assigned to exercise jurisdiction under this chapter. Upon request of the department of health and social services or the department of corrections to review court records for the purpose of monitoring and conducting periodic evaluations of activities as required by and implemented under 45 CFR 1355, 1356 and 1357, the court shall

open those records for inspection by authorized representatives of the department. Upon request of the federal government to review court records for the purpose of monitoring and conducting periodic evaluations of activities as required by and implemented under 45 CFR 1355, 1356 and 1357, the court shall open those records for inspection by authorized representatives of the federal agency.

SECTION 1249. 48.396 (4) of the statutes is amended to read:

48.396 (4) When a court revokes, suspends or restricts a child's operating privilege under s. 48.17 (2), 48.237, 48.34 (7), (7m) or (8), 48.343 (2), 48.344 (2) or 346.93, the department of transportation shall not disclose information concerning or relating to the revocation, suspension or restriction to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, or the minor whose operating privilege is revoked, suspended or restricted, or his or her parent or guardian. Persons entitled to receive this information shall not disclose the information to other persons or agencies.

SECTION 1249f. 48.432 (1) (a) of the statutes is renumbered 48.432 (1) (ag).

SECTION 1249g. 48.432 (1) (a) of the statutes is created to read:

48.432 (1) (a) "Adoptee" means a person who has been adopted in this state with the consent of his or her birth parent or parents before February 1, 1982.

SECTION 1249i. 48.432 (1) (am) 1 of the statutes is amended to read:

48.432 (1) (am) 1. The mother designated on the child's individual's or adoptee's original birth certificate.

SECTION 1249k. 48.432 (1) (am) 2. b of the statutes is amended to read:

48.432 (1) (am) 2. b. If there is no adjudicated father, the husband of the mother at the time the child individual or adoptee is conceived or born, or when the parents intermarry under s. 767.60.

SECTION 1249m. 48.432 (1) (b) of the statutes is amended to read:

48.432 (1) (b) "Child Individual" means a person whose birth parent's rights have been terminated in this state at any time, ~~or who has been adopted in this state with the consent of his or her birth parent or parents before February 1, 1982.~~

SECTION 1250. 48.432 (3) (a) (intro.) of the statutes is amended to read:

48.432 (3) (a) (intro.) The department shall release the medical information under sub. (2) ~~without charge, except for the actual cost of reproduction,~~ to any of the following persons upon request:

SECTION 1250b. 48.432 (3) (a) 1 to 5 of the statutes are amended to read:

48.432 (3) (a) 1. ~~A child~~ An individual or adoptee 18 years of age or older.

2. An adoptive parent of an ~~adopted child~~ adoptee.

3. The guardian or legal custodian of ~~a child~~ an individual or adoptee.

4. The offspring of ~~a child~~ an individual or adoptee if the requester is 18 years of age or older.

5. An agency or social worker assigned to provide services to the ~~child~~ individual or adoptee or place the ~~child~~ individual for adoption.

SECTION 1250f. 48.432 (3) (b) of the statutes is amended to read:

48.432 (3) (b) Before releasing the information under par. (a), the department shall delete the name and address of the birth parent and the identity of any provider of health care to the ~~child~~ individual or adoptee or to the birth parent.

SECTION 1251. 48.432 (3) (c) of the statutes is created to read:

48.432 (3) (c) The person making a request under this subsection shall pay a fee for the cost of locating, verifying, purging, summarizing, copying and mailing the medical or genetic information according to a fee schedule established by the department based on ability to pay. The fee may not be more than \$150 and may be waived by the department.

SECTION 1251d. 48.432 (4) (a) of the statutes is amended to read:

48.432 (4) (a) Whenever any person specified under sub. (3) wishes to obtain medical and genetic information about ~~a child~~ an individual whose birth parent's rights have been terminated in this state at any time, or whose birth parent consented to his or her adoption before February 1, 1982, or medical and genetic information about the birth parents of such ~~a child~~ an individual or adoptee, and the information is not on file with the department, the person may request that the department conduct a search for the birth parents to obtain the information. The request shall be accompanied by a statement from a physician certifying either that the ~~child~~ individual or adoptee has or may have acquired a genetically transferable disease or that the ~~child's individual's or adoptee's~~ medical condition requires access to the information.

SECTION 1251f. 48.432 (4) (b) of the statutes is amended to read:

48.432 (4) (b) Upon receipt of a request under par. (a), the department shall undertake a diligent search for the ~~child's individual's or adoptee's~~ child's individual's or adoptee's parents. Upon request by the department, an agency shall cooperate in the search and shall make its records available to the department. The department may not require an agency to conduct the search, but may designate an agency to do so with the agency's consent.

SECTION 1251p. 48.432 (7) (a) of the statutes is amended to read:

48.432 (7) (a) If the department or another agency that maintains records relating to the adoption of a ~~child~~ an adoptee or the termination of parental rights receives a report from a physician stating that a birth

parent or another ~~child~~ offspring of the birth parent has acquired or may have a genetically transferable disease, the department or agency shall notify the ~~child~~ individual or adoptee of the existence of the disease, if he or she is 18 years of age or over, or notify the ~~child's~~ individual's or adoptee's guardian, custodian or adoptive parent if the ~~child~~ individual or adoptee is under age 18.

SECTION 1251r. 48.432 (7) (b) of the statutes is amended to read:

48.432 (7) (b) If the department or agency receives a report from a physician that ~~a child~~ an individual or adoptee has acquired or may have a genetically transferable disease, the department or agency shall notify the ~~child's~~ individual's or adoptee's birth parent of the existence of the disease.

SECTION 1252. 48.432 (8m) of the statutes is created to read:

48.432 (8m) The department shall give priority to all of the following:

- (a) Reports filed by physicians under sub. (7).
- (b) A request or a court order for medical or genetic information under subs. (3) and (4) if it is accompanied by a statement from a physician certifying that a child has acquired or may have a genetically transferable disease.
- (c) Any reports and requests specified by the department by rule.

SECTION 1252f. 48.433 (1) (a) of the statutes is amended to read:

48.433 (1) (a) "Agency" has the meaning given under s. 48.432 (1) ~~(a)~~ (ag).

SECTION 1253b. 48.433 (6) (a) of the statutes is amended to read:

48.433 (6) (a) If the department does not have on file an affidavit from each known birth parent, it shall, within 3 months after the date of the original request, undertake a diligent search for each birth parent who has not filed an affidavit. The search shall be completed within 6 months after the date of the request, unless the search falls within one of the exceptions established by the department by rule. If any information has been provided under sub. (5), the department is not required to conduct a search.

SECTION 1254. 48.433 (9) of the statutes is amended to read:

48.433 (9) The requester may petition the circuit court to order the department or agency designated by the department to disclose any information that may not be disclosed under this section. The court shall grant the petition for good cause shown.

SECTION 1262. Subchapter XI (title) of chapter 48 of the statutes is amended to read:

CHAPTER 48
SUBCHAPTER XI
DEPARTMENT AUTHORITY
(to precede s. 48.48)

SECTION 1263. 48.48 (3m) of the statutes is created to read:

48.48 (3m) To accept appointment by an American Indian tribal court in this state as guardian of a child for the purpose of making an adoptive placement for the child if all of the following conditions exist:

(a) The child does not have parents or a guardian or the parental rights to the child have been terminated by a tribal court in accordance with procedures that are substantially equivalent to the procedures specified in subch. VIII.

(b) The tribal court has transferred the guardianship or legal custody, or both, of the child to the department, if the child does not have parents or a guardian.

(c) The tribal court's judgment for termination of parental rights identifies the department as the agency that will receive guardianship or legal custody, or both, of the child upon termination, if the parental rights to the child have been terminated.

(d) The tribal court has signed a written contract that addresses federal and state law and that provides that the tribal court will accept the return of the legal custody or the legal custody and guardianship of the child if the department petitions the tribal court to do so under s. 48.485.

SECTION 1264. 48.48 (4) of the statutes is amended to read:

48.48 (4) To provide appropriate care and training for children in its legal custody; including serving those children in their own homes, placing them in licensed foster homes in accordance with s. 48.63 or licensed group homes; or contracting for their care by licensed child welfare agencies ~~or replacements to juvenile correctional institutions in accordance with the administrative rules promulgated under ch. 227,~~ except that the department shall not purchase the educational component of private day treatment programs for children in its custody unless the department, the school board as defined in s. 115.001 (7) and the state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes between the department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 1265. 48.48 (8m) of the statutes is created to read:

48.48 (8m) To enter into agreements with American Indian tribes in this state to implement the Indian child welfare act, 25 USC 1911 to 1963.

SECTION 1266. 48.48 (12) (a) of the statutes is amended to read:

48.48 (12) (a) To enter into an agreement to assist in the cost of care of a child after legal adoption when the department has determined that such assistance is necessary to assure the child's adoption. Agreements under this paragraph shall be made in accordance

with s. 48.975. Payments shall be made from the appropriation under s. 20.435 (4) (7) (dd).

SECTION 1267. 48.48 (13) of the statutes is amended to read:

48.48 (13) To promulgate rules for the payment of an allowance to children in its institutions and a cash grant to a child being discharged ~~or released to after-care~~ from its institutions.

SECTION 1268. 48.48 (14) of the statutes is amended to read:

48.48 (14) To pay maintenance, tuition and related expenses from the appropriation under s. 20.435 (3) (ho) and (4) (7) (dd) for persons who when they reached 18 years of age were students regularly attending a school, college or university or regularly attending a course of vocational or technical training designed to fit them for gainful employment, and who when reaching such age were in legal custody of the department as a result of a judicial decision.

SECTION 1269. 48.48 (14) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

48.48 (14) To pay maintenance, tuition and related expenses from the appropriation under s. 20.435 (7) (dd) for persons who when they reached 18 years of age were students regularly attending a school, college or university or regularly attending a course of vocational or technical training designed to fit them for gainful employment, and who when reaching that age were in legal custody of the department as a result of a judicial decision.

SECTION 1271c. 48.48 (16) of the statutes is amended to read:

48.48 (16) ~~Beginning January 1, 1980, to~~ To establish and enforce standards for services provided under ss. 48.34 and 48.345 (1) and (5) to children as a result of a disposition under ss. 48.34 (1), (2m), (3), (4), (4p), (5), (6), (7), (8), (9), (10), (12) and (13) and 48.345 or as a result of a disposition under s. 48.34 (2) unless the child is placed under the supervision of the department of corrections.

SECTION 1272. 48.485 of the statutes is created to read:

48.485 Transfer of tribal children to department for adoption. If the department accepts guardianship or legal custody or both from an American Indian tribal court under s. 48.48 (3m), the department shall seek a permanent adoptive placement for the child. If a permanent adoptive placement is not in progress within 2 years after entry of the termination of parental rights order by the tribal court, the department may petition the tribal court to transfer legal custody or guardianship of the child back to the tribe.

SECTION 1273. 48.49 (2) of the statutes is amended to read:

48.49 (2) When the court transfers legal custody of a child to the department, the court shall also immediately transfer to the department a copy of the report submitted to it under s. 48.33 and shall immediately

~~notify the child's last school district in writing of its obligation under s. 118.125 (4) 48.425.~~

SECTION 1274. 48.50 of the statutes is amended to read:

48.50 (title) Examination of children in legal custody of department of health and social services. (1) The department shall examine all children whose legal custody is transferred to it by the court to determine the type of placement best suited to the child and, ~~in the case of children who have violated a state law, to the protection of the public.~~ This examination shall include an investigation of the personal and family history of the child and his or her environment and any physical or mental examinations considered necessary.

(2) In making this examination the department may use any facilities, public or private, ~~which that~~ offer aid to it in the determination of the correct ~~aftercare~~ placement for the child.

SECTION 1276m. 48.51 of the statutes is created to read:

48.51 Notification by department of release of child from correctional custody. (1) At least 15 days prior to the date of release of a child from its legal custody or release of a child to an aftercare placement, the department of health and social services prior to January 1, 1990, and the department of corrections thereafter shall:

(a) Notify all of the following local agencies in the community in which the child will reside of the child's return to the community:

1. The law enforcement agencies.
2. The school district.
3. The county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437.

(b) Notify any known victim of an act for which the child has been found delinquent of the child's release, if all of the following apply:

1. The commission of the act by the child is an act which, if committed by an adult, would have been punishable as a crime against another person.
2. The victim can be found.
3. The victim has sent in a request card under sub. (2).

(c) Notify, if the criteria in par. (b) are met, an adult member of the victim's family or, if the victim is younger than 18 years old, the victim's parent or legal guardian if the victim died as a result of the crime.

(2) The department shall design and prepare cards for victims specified in sub. (1) (b) and (c) to send to the department. The cards shall have space for these persons to provide their names and addresses and any other information that the department determines is necessary. The department shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to victims specified in sub. (1) (b) and (c). These persons may send completed cards to the department.

(3) Timely release of a child shall not be prejudiced by the fact that the department did not notify the victims or the local agencies under sub. (1) within the 15 days.

SECTION 1277. 48.52 (1) (d) of the statutes is amended to read:

48.52 (1) (d) Institutions, facilities and services, ~~including without limitation forestry or conservation camps for the training and treatment of children 12 years of age or older who have been adjudged delinquent; and~~

SECTION 1278. 48.52 (3) of the statutes is repealed.

SECTION 1280. 48.547 (2) of the statutes is amended to read:

48.547 (2) DEPARTMENT RESPONSIBILITIES. Within the availability of funding under s. 20.435 (4) (7) (mb) that is available for the pilot program, the department shall select counties to participate in the pilot program. Unless a county department of human services has been established under s. 46.23 in the county that is seeking to implement a pilot program, the application submitted to the department shall be a joint application by the county department that provides social services and the county department established under s. 51.42 or 51.437. The department shall select counties in accordance with the request for proposal procedures established by the department. The department shall give a preference to county applications that include a plan for case management. The counties selected shall begin the pilot program on January 1, 1989.

SECTION 1281c. 48.553 of the statutes is created to read:

48.553 Authority of department of corrections. The department of corrections may:

(1) Promote the enforcement of the laws relating to delinquent children.

(2) Accept legal custody of children transferred to it by the court under s. 48.34 (4m) and provide special treatment and care when directed by the court.

(3) Provide appropriate care and training for children in its legal custody, including contracting for replacements to juvenile correctional institutions in accordance with department of corrections rules.

(4) Provide for the moral and religious training of children in its legal custody according to the religious belief of the child or of the child's parents.

(5) Consent to emergency surgery under the direction of a licensed physician or surgeon for any child in its legal custody upon notification by a licensed physician or surgeon of the need for the surgery and if reasonable effort, compatible with the nature and time limitation of the emergency, has been made to secure the consent of the child's parent or guardian.

(6) Establish rules for the payment of an allowance to children in its institutions and a cash grant to a

child being discharged or released to aftercare from its institutions.

(7) Establish and enforce standards for services provided delinquent children as a result of disposition under s. 48.34 (4m) or (11), or as a result of a disposition under s. 48.34 (2) for children placed under the supervision of the department of corrections.

SECTION 1282. 48.554 of the statutes is created to read:

48.554 Notification by court of transfer to department of corrections; information for department of corrections. (1) When the court transfers legal custody of a child to the department of corrections, the court shall immediately notify the department of corrections of that action. In accordance with procedures established by the department of corrections, the court shall provide transportation for the child to a receiving center designated by the department of corrections or deliver the child to personnel of the department of corrections.

(2) When the court transfers legal custody of a child to the department of corrections, the court shall also immediately transfer to the department of corrections a copy of the report submitted to it under s. 48.33 and shall immediately notify the child's last school district in writing of its obligation under s. 118.125 (4).

(3) The court and all other public agencies shall furnish the department of corrections on request all pertinent data in their possession regarding the child whose legal custody is transferred to the department of corrections, including the information specified in sub. (2), within 5 working days of the request.

SECTION 1283. 48.555 of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 48.551.

SECTION 1284. 48.555 (1) of the statutes is amended to read:

48.555 (1) The department shall establish a state adoption center for the purposes of increasing public knowledge of adoption and promoting to adolescents and pregnant women the availability of adoption services. From the appropriation under s. 20.435 (4) (6) (dg), the department may contract with individuals and private agencies to operate the adoption center.

SECTION 1285. 48.556 of the statutes is created to read:

48.556 Examination of children in legal custody of department of corrections. (1) The department of corrections and the juvenile offender review program shall examine all children whose legal custody is transferred to the department of corrections by the court to determine the type of placement best suited to the child and to the protection of the public. This examination shall include an investigation of the personal and family history of the child and his or her environment and any physical or mental examinations considered necessary.

(2) (a) In making this examination, the juvenile offender review program may use any facilities, public or private, that offer aid to it in the determination of the correct aftercare placement for the child when he or she is in an institution.

(b) In making this examination, the department of corrections may use any facilities, public or private, that offer aid to it in the determination of the correct aftercare placement for the child when he or she is on aftercare.

SECTION 1286. 48.557 of the statutes is created to read:

48.557 Facilities for care of children in custody of department of corrections. (1) **FACILITIES MAINTAINED OR USED FOR CHILDREN.** The department of corrections may maintain or use the following facilities for children in its custody:

(a) Receiving homes to be used for the temporary care of children.

(b) Foster homes.

(c) Group homes.

(d) Institutions, facilities and services, including without limitation forestry or conservation camps for the training and treatment of children 12 years of age or older who have been adjudged delinquent.

(e) Other facilities deemed by the department of corrections to be appropriate for the child, except that no state funds may be used for the maintenance of a child in the home of a parent or relative eligible for aid under s. 49.19 if the funds would reduce federal funds to this state.

(2) **USE OF OTHER FACILITIES.** (a) In addition to the facilities and services described in sub. (1), the department of corrections may use other facilities and services under its jurisdiction. The department of corrections may also contract for and pay for the use of other public facilities or private facilities for the care and treatment of children in its custody; but placement of children in private or public facilities not under its jurisdiction does not terminate the legal custody of the department of corrections.

(b) Public facilities shall accept and care for persons placed with them by the department of corrections in the same manner as they would be required to do had the legal custody of these persons been transferred by a court of competent jurisdiction. Nothing in this subsection may be construed to require any public facility to serve the department of corrections inconsistently with its functions or with the laws and regulations governing their activities; or to give the department of corrections authority to use any private facility without its consent.

(c) The department of corrections and the juvenile offender review program may inspect all facilities the department of corrections is using and examine and consult with persons in its legal custody who have been placed in that facility.

(3) **PLACEMENT.** Nothing in this section precludes the placement of a child in any of the facilities under

subs. (1) and (2) so long as the child is under the age of 18 and is legally under sentence to the department of corrections under chs. 939 to 951.

(4) **COEDUCATIONAL PROGRAMS AND INSTITUTIONS.** The department of corrections may institute and maintain coeducational programs and institutions under this chapter.

SECTION 1287. 48.558 of the statutes is created to read:

48.558 Duration of control over delinquents. (1) All children adjudged delinquent, whose legal custody has been transferred to the department of corrections and who are in an institution, shall be discharged as soon as the juvenile offender review program determines that there is a reasonable probability that it is no longer necessary either for the rehabilitation and treatment of the child or for the protection of the public that the department of corrections retain legal custody.

(2) Except as provided in s. 48.366, all children adjudged delinquent, whose legal custody has been transferred to the department of corrections and who are on aftercare, shall be discharged as soon as the department of corrections determines that there is a reasonable probability that it is no longer necessary either for the rehabilitation and treatment of the child or for the protection of the public that the department of corrections retain legal custody.

SECTION 1288. 48.559 of the statutes is created to read:

48.559 Records. (1) The department of corrections shall keep a complete record on each child in its legal custody. This record shall include the information received from the court, the date of reception, all available data on the personal and family history of the child, the results of all tests and examinations given the child, and a complete history of all placements of the child while in the legal custody of the department of corrections.

(2) The juvenile offender review program shall keep a complete record of all orders to grant or deny eligibility for the release of children and the reasons in support of the orders.

SECTION 1289. 48.60 (3) of the statutes is amended to read:

48.60 (3) Before issuing any license to a child welfare agency under this section, the department of health and social services shall review the need for the additional placement resources that would be made available by the licensing or relicensing of any child welfare agency after August 5, 1973, providing care authorized under s. 48.61 (3). ~~The department shall not~~ Neither the department of health and social services nor the department of corrections may make any placements to any child welfare agency where the departmental review required under this subsection has failed to indicate the need for ~~such~~ the additional placement resources.

SECTION 1290. 48.60 (4) of the statutes is created to read:

48.60 (4) (a) In this subsection, "child with exceptional educational needs" has the meaning given in s. 115.76 (3).

(b) Notwithstanding ss. 115.85 (2), 121.78 (3) (a) and 121.79 (1) (a), a child welfare agency shall pay for the costs incurred by a school district in providing education and related services to a child with exceptional educational needs who is a resident of the child welfare agency, if the child was placed in the child welfare agency pursuant to the interstate compact on the placement of children under s. 48.988.

SECTION 1290k. 48.62 (1) of the statutes is amended to read:

48.62 (1) Any person who receives, with or without transfer of legal custody, 4 or fewer children or more than 4 children if all of the children are siblings to provide care and maintenance for those children shall obtain a license to operate a foster home from the department, a county department or a licensed child welfare agency as provided in s. 48.75. The license shall be valid for 2 years.

SECTION 1291. 48.627 (title) of the statutes is amended to read:

48.627 (title) Foster and family-operated group home parent insurance and liability.

SECTION 1292. 48.627 (1) of the statutes is renumbered 48.627 (2), and 48.627 (2) (a) and (c), as renumbered, are amended to read:

48.627 (2) (a) Before the department, a county department or a licensed child welfare agency may issue or renew a foster home or family-operated group home license, the licensing agency shall require the applicant to furnish proof satisfactory to the licensing agency that he or she has homeowner's or renter's liability insurance that provides coverage for negligent acts or omissions by foster children or children placed in a family-operated group home that result in bodily injury or property damage to 3rd parties.

(c) The department shall conduct a study to determine the cost-effectiveness of purchasing insurance to provide standard homeowner's or renter's liability insurance coverage for applicants who are granted a waiver under par. (b). If the department determines that it would be cost-effective to purchase such insurance, it may purchase the insurance from the appropriations under s. 20.435 (4) (6) (cf) and (7) (pd).

SECTION 1293. 48.627 (1) of the statutes is created to read:

48.627 (1) In this section, "family-operated group home" means a home licensed under s. 48.625 for which the licensee is one or more individuals who operate not more than one group home.

SECTION 1294. 48.627 (1c) of the statutes is renumbered 48.627 (2c) and amended to read:

48.627 (2c) The department shall determine the cost-effectiveness of purchasing private insurance which would provide coverage to foster and family-operated group home parents for acts or omissions by or affecting a foster child who is placed in a foster home or a family-operated group home. If this private insurance is cost-effective and available, the department shall purchase the insurance from the appropriations under s. 20.435 (4) (6) (cf) and (7) (pd). If the insurance is unavailable, payment of claims for acts or omissions by or affecting a foster child who is placed in a foster home or a family-operated group home shall be in accordance with subs. ~~(1m) to (2)~~ (2m) to (3).

SECTION 1295. 48.627 (1m) of the statutes is renumbered 48.627 (2m) and amended to read:

48.627 (2m) Within the limits of the appropriations under s. 20.435 (4) (6) (cf) and (7) (pd), the department shall pay claims to the extent not covered by any other insurance and subject to the limitations specified in sub. (2) (3), for bodily injury or property damage sustained by a licensed foster or family-operated group home parent or a member of the foster or family-operated group home parent's family as a result of the act of a foster child in the foster or family-operated group home parent's care.

SECTION 1296. 48.627 (1s) of the statutes is renumbered 48.627 (2s) and amended to read:

48.627 (2s) Within the limits of the appropriations under s. 20.435 (4) (6) (cf) and (7) (pd), the department may pay claims to the extent not covered by any other insurance and subject to the limitations specified in sub. (2) (3), for all of the following:

(a) Acts or omissions of the foster or family-operated group home parent that result in bodily injury to the foster child who is placed in the foster home or family-operated group home or that form the basis for a civil action for damages by the foster child's parent against the foster or family-operated group home parent.

(b) Bodily injury or property damage caused by an act or omission of a foster child who is placed in the foster or family-operated group home parent's care for which the foster or family-operated group home parent becomes legally liable.

SECTION 1297. 48.627 (2) of the statutes is renumbered 48.627 (3), and 48.627 (3) (b), (d), (e), (f) and (h), as renumbered, are amended to read:

48.627 (3) (b) A claim under sub. ~~(1m)~~ (2m) shall be submitted to the department within 90 days after the bodily injury or property damage occurs. A claim under sub. ~~(1s)~~ (2s) shall be submitted within 90 days after a foster or family-operated group home parent learns that a legal action has been commenced against him or her. No claim may be paid under this subsection unless it is submitted within the time limits specified in this paragraph.

(d) No claim may be approved in an amount exceeding the total amount available for paying claims under this subsection in the fiscal year during which the claim is submitted. No claim for property damage sustained by a foster or family-operated group home parent or a member of a foster or family-operated group home parent's family may be approved in an amount exceeding \$250,000.

(e) The department may not approve a claim unless the foster or family-operated group home parent submits with the claim evidence that is satisfactory to the department of the cause and value of the claim and evidence that insurance coverage is unavailable or inadequate to cover the claim. If insurance is available but inadequate, the department may approve a claim only for the amount of the value of the claim that it determines is in excess of the amount covered by insurance.

(f) If the total amount of the claims approved during any calendar quarter exceeds 25% of the total funds available during the fiscal year for purposes of this subsection plus any unencumbered funds remaining from the previous quarter, the department shall prorate the available funds among the claimants with approved claims. The department shall also prorate any unencumbered funds remaining in the appropriation under s. 20.435 (4) ~~(6)~~ (cf) at the end of each fiscal year among the claimants whose claims were prorated during the fiscal year. Payment of a prorated amount from unencumbered funds remaining at the end of the fiscal year constitutes a complete payment of the claim for purposes of this program, but does not prohibit a foster parent from submitting a claim under s. 16.007 for the unpaid portion.

(h) If a claim by a foster or family-operated group home parent or a member of the foster or family-operated group home parent's family is approved, the department shall deduct from the amount approved \$200 less any amount deducted by an insurance company from a payment for the same claim, except that a foster or family-operated group home parent and his or her family are subject to only one deductible for all claims filed in a fiscal year.

SECTION 1298. 48.627 (3) of the statutes is renumbered 48.627 (4) and amended to read:

48.627 (4) Except as provided in s. 895.485, the department is not liable for any act or omission by or affecting a foster child or a child who is placed in a family-operated group home, but shall, as provided in this section, pay claims described under sub. ~~(1m)~~ (2m) and may pay claims described under sub. ~~(1s)~~ (2s) or may purchase insurance to cover such claims as provided for under sub. ~~(1e)~~ (2c), within the limits of the appropriations under s. 20.435 (4) ~~(6)~~ (cf) and ~~(7)~~ (pd).

SECTION 1299. 48.627 (4) of the statutes is renumbered 48.627 (5) and amended to read:

48.627 (5) The attorney general may represent a foster or family-operated group home parent in any

civil action arising out of an act or omission of the foster or family-operated group home parent while acting in his or her capacity as a foster or family-operated group home parent.

SECTION 1300. 48.63 (1) of the statutes is amended to read:

48.63 (1) Acting pursuant to court order or voluntary agreement, the child's parent or guardian or the department of health and social services, the department of corrections, a county department or a child welfare agency licensed to place children in foster homes may place a child or negotiate or act as intermediary for the placement of a child in a foster home or group home. Voluntary agreements under this subsection may not be used for placements in facilities other than foster or group homes and may not be extended. A foster home placement under a voluntary agreement may not exceed 6 months. A group home placement under a voluntary agreement may not exceed 15 days. These time limitations do not apply to placements made under ss. 48.34 and 48.345. Voluntary agreements may be made only under this subsection and shall be in writing and shall specifically state that the agreement can be terminated at any time by the parent or by the child if the child's consent to the agreement is required. The child's consent to the agreement is required whenever the child is 12 years of age or older.

SECTION 1301. 48.64 (1) of the statutes is amended to read:

48.64 (1) DEFINITION. In this section, "agency" means the department of health and social services, the department of corrections, a county department or a licensed child welfare agency authorized to place children in foster homes.

SECTION 1303. 48.675 (3) (intro.) of the statutes is amended to read:

48.675 (3) SUPPORT SERVICES. (intro.) The department shall provide funds from the appropriation under s. 20.435 (3) (ho) and ~~(4)~~ (6) (a) to enable foster parents to attend education programs approved under sub. (2) and shall promulgate rules concerning disbursement of such funds. Moneys disbursed under this subsection may be used for the following purposes:

SECTION 1304. 48.675 (3) (intro.) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

48.675 (3) SUPPORT SERVICES. (intro.) The department shall provide funds from the appropriation under s. 20.435 (6) (a) to enable foster parents to attend education programs approved under sub. (2) and shall promulgate rules concerning disbursement of the funds. Moneys disbursed under this subsection may be used for the following purposes:

SECTION 1305. 48.78 (1) of the statutes is amended to read:

48.78 (1) In this section, unless otherwise qualified, "agency" means the department of health and social

services, the department of corrections, the juvenile offender review program, a county department, a licensed child welfare agency, a licensed day care center or a licensed maternity hospital.

SECTION 1306. 48.78 (2) (a) of the statutes is amended to read:

48.78 (2) (a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual in its care or legal custody, except as provided under sub. (3) or s. 48.432, 48.433, 48.93 or 48.981 (7) or by order of the court. The juvenile offender review program shall not make available for inspection or disclose the contents of any record kept or information received about an individual in the care or legal custody of the department of corrections, except as provided by order of the court.

SECTION 1307. 48.78 (2) (c) of the statutes is amended to read:

48.78 (2) (c) Paragraph (a) does not prohibit the department of health and social services or a county department from using in the media a picture or description of a child in the guardianship of the department of health and social services or a county department for the purpose of finding adoptive parents for that child.

SECTION 1308. 48.78 (3) of the statutes is amended to read:

48.78 (3) If a child adjudged delinquent on the basis of a violation of s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.24, 941.26, 941.28, 941.295, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a), 943.32 (2), 948.02, 948.03, 948.05, 948.60 or 948.61 or any crime specified in ch. 940 has escaped or has been allowed to leave a secured juvenile correctional facility for a specified time period and in the case of an authorized leave the child is absent from the facility for more than 12 hours after the expiration of the specified period, the department of corrections may release the child's name and any information about the child the department of corrections determines to be necessary for the protection of the public or to secure the child's return to the facility. The department of corrections shall promulgate rules establishing guidelines for the release of the child's name or information about the child to the public.

SECTION 1309. 48.79 (intro.) of the statutes is amended to read:

48.79 (title) Powers of the department of health and social services. (intro.) The department ~~shall have of~~ health and social services has authority and power:

SECTION 1310. 48.79 (1) of the statutes is amended to read:

48.79 (1) To collect and to collaborate with other agencies in collecting statistics and information useful in determining the cause and amount of delinquency ~~and crime~~ in this state or in carrying out the powers and duties of the department.

SECTION 1311. 48.79 (2) of the statutes is amended to read:

48.79 (2) To render assistance to communities in their efforts to combat delinquency and social breakdown likely to cause delinquency ~~and crime~~ and assist them in setting up programs for coordinating the total community program, including the improvement of law enforcement.

SECTION 1312. 48.795 of the statutes is created to read:

48.795 Powers of the department of corrections. The department of corrections may:

(1) Collect and collaborate with other agencies in collecting statistics and information useful in determining the cause and amount of delinquency and crime in this state or in carrying out the powers and duties of the department.

(2) Assist communities in their efforts to combat delinquency and social breakdown likely to cause delinquency and crime and assist them in setting up programs for coordinating the total community program, including the improvement of law enforcement.

(3) Assist schools in extending their particular contribution in locating and helping children vulnerable to delinquency and in improving their services to all youth.

(4) Develop and maintain an enlightened public opinion in support of a program to control delinquency.

SECTION 1313. 48.838 of the statutes is created to read:

48.838 Foreign adoption fees. (1) In this section, "foreign adoption" means the adoption of a child, who is a citizen of a foreign country, in accordance with any of the types of adoption procedures specified under this subchapter.

(2) The department may charge a fee of not more than \$75 to the adoptive parents for reviewing foreign adoption documents and for providing necessary certifications and approvals required by state and federal law.

(3) The department may also charge a fee of not more than \$75 to the adoptive parents for the review and certification of adoption documents, and for the provision of departmental approval of placements as specified in s. 48.97, for adoptions that occur in a foreign country.

SECTION 1314am. 48.93 (1) of the statutes is renumbered 48.93 (1d).

SECTION 1314b. 48.93 (1) of the statutes is created to read:

48.93 (1) In this section, "adoptee" has the meaning given in s. 48.432 (1) (a).

SECTION 1314g. 48.93 (1r) of the statutes is amended to read:

48.93 (1r) Any agency which has placed a child for adoption shall, at the request of an adoptive parent or

of the child adoptee, after he or she has reached age 18, provide the requester without charge, except for the actual cost of reproduction, with medical or genetic information about the child adoptee or about the child's adoptee's birth parents which it has on file and with nonidentifying social history information about the child's adoptee's family which it has on file, after deleting the names and addresses of the birth parents and any provider of health care to the child adoptee or the child's adoptee's birth parents. The agency may charge a requester a fee for the cost of verifying, purging, summarizing, copying and mailing the information according to the fee schedule established by the department under s. 48.432 (3) (c). The fee may not be more than \$150 and may be waived by the agency..

SECTION 1315. 48.975 (4) of the statutes is amended to read:

48.975 (4) PROCEDURE. A written agreement to provide adoption assistance shall be made prior to legal adoption only for children in the guardianship of the department or other agency authorized to place children for adoption or for children in the guardianship of an American Indian tribal agency in this state. The adoption assistance may be continued after the child reaches the age of 18 if that child is a full-time high school student.

SECTION 1318m. 48.981 (2) of the statutes is amended to read:

48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or mental health professional, social or public assistance worker, school teacher, administrator or counselor, mediator under s. 767.11, child care worker in a day care center or child caring institution, day care provider, alcohol or other drug abuse counselor, member of the treatment staff employed by or working under contract with a county department under s. 46.23, 51.42 or 51.437, physical therapist, occupational therapist, speech therapist, emergency medical technician — advanced (paramedic), ambulance attendant or police or law enforcement officer having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or having reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under sub. (2m), report as provided in sub. (3). Any other person, including an attorney, having reason to suspect that a child has been abused or neglected or reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur may make such a report. No person making a report under this subsection may be discharged from employment for so doing.

Vetoed in Part SECTION 1319f. 48.981 (2m) (a), (b) 2, (c) 4, (d) (intro.) and (e) of the statutes are amended to read:

~~48.981 (2m) (a) The purpose of this subsection is to allow children to obtain confidential health care services and pupil services.~~

~~(b) 2. "Health care service" means family planning services, pregnancy testing, reproductive and obstetrical health care or screening, diagnosis and treatment for a sexually transmitted disease.~~

~~(c) 4. A person who obtains information about a child who is receiving or has received health care services from a health care provider or pupil services from a pupil services provider.~~

~~(d) (intro.) Any person described under par. (c) 1, 2, 3 or 4 shall report as required under sub. (2) if he or she has reason to suspect any of the following:~~

~~(e) In addition to the reporting requirements under par. (d), a person described under par. (c) 1, 2, 3 or 4 shall report as required under sub. (2) if he or she has any reasonable doubt as to the voluntariness of the child's participation in the sexual contact or sexual intercourse.~~

~~SECTION 1319h. 48.981 (2m) (b) 3 and 4 and (c) 2 and 3 of the statutes are created to read:~~

~~48.981 (2m) (b) 3. "Pupil service" means counseling, psychological services, social work or nursing.~~

~~4. "Pupil services provider" means a person who is certified by the department of public instruction to provide pupil services and who is employed by or acting under contract with a school board, board of control of a cooperative educational services agency or the governing body of a private school.~~

~~(c) 2. A pupil services provider who provides any pupil service to a child.~~

~~3. A person who refers a child to a health care provider for any health care service or to a pupil services provider for any pupil service.~~

SECTION 1319j. 48.981 (3) (c) 1 of the statutes is amended to read:

48.981 (3) (c) 1. Within 24 hours after receiving a report under sub. (3) par. (a), the county department or licensed child welfare agency under contract with the county department shall, in accordance with the authority granted it to the county department under s. 48.57 (1) (a), initiate a diligent investigation to determine if the child is in need of protection or services. The investigation shall be conducted in accordance with standards established by the department for conducting child abuse and neglect investigations and shall include observation of or an interview with the child, or both, and, if possible, a visit to the child's home or usual living quarters and an interview with the child's parents, guardian or legal custodian. At the initial visit to the child's home or living quarters, the person making the investigation shall identify himself or herself and the county department or licensed child welfare agency involved to the child's parents, guardian or legal custodian. The county department or licensed child welfare agency under contract with the county department may contact, observe or interview the child at any location without permission

Vetoed in Part

from the child's parent, guardian or legal custodian if necessary to determine if the child is in need of protection or services, except that the person making the investigation may enter a child's home or living quarters only with permission from the child's parent, guardian or legal custodian or after obtaining a court order to do so.

SECTION 1319L. 48.981 (3) (c) 2 of the statutes is renumbered 48.981 (3) (c) 2. a and amended to read:

48.981 (3) (c) 2. a. If the person making the investigation is an employee of the county department and he or she determines that any child in the home requires immediate protection, he or she shall take the child into custody under s. 48.08 (2) or 48.19 (1) (c) and deliver the child to the intake worker under s. 48.20.

SECTION 1319n. 48.981 (3) (c) 2. b of the statutes is created to read:

48.981 (3) (c) 2. b. If the person making the investigation is an employee of a licensed child welfare agency which is under contract with the county department and he or she determines that any child in the home requires immediate protection, he or she shall notify the county department of the circumstances and together with an employee of the county department shall take the child into custody under s. 48.08 (2) or 48.19 (1) (c) and deliver the child to the intake worker under s. 48.20.

SECTION 1319p. 48.981 (3) (c) 5 and 6 of the statutes are amended to read:

48.981 (3) (c) 5. The county department and licensed child welfare agency under contract with the county department shall maintain a record of its actions in connection with each report it receives. The record shall include a description of the services provided to any child and to the parents, guardian or legal custodian of the child. The county department and licensed child welfare agency under contract with the county department shall update the record every 6 months until the case is closed.

6. The county department or licensed child welfare agency under contract with the county department shall, within 60 days after it receives a report from a person required under sub. (2) to report, inform the reporter what action, if any, was taken to protect the health and welfare of the child who is the subject of the report.

SECTION 1319r. 48.981 (3) (c) 8 of the statutes is amended to read:

48.981 (3) (c) 8. Using the format prescribed by the department, each county department shall provide the department with information about each report that it receives or that is received by a licensed child welfare agency that is under contract with the county department and about each investigation it or a licensed child welfare agency under contract with the county department conducts. This information shall be used by the department to monitor services provided by county departments or licensed child welfare agencies

under contract with county departments. The department shall use nonidentifying information to maintain statewide statistics on child abuse and neglect, and for planning and policy development.

SECTION 1319t. 48.981 (3) (cm) of the statutes is created to read:

48.981 (3) (cm) *Contract with licensed child welfare agencies.* A county department ~~that has been contracting the duties specified under par. (c) 1, 2, b, 5, 6 and 8 out since 1974 to a licensed child welfare agency~~ may continue to contract with that licensed child welfare agency to fulfill its duties specified under par. (c) 1, 2, b, 5, 6 and 8. The confidentiality provisions specified in sub. (7) shall apply to any licensed child welfare agency with which a county department contracts.

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SECTION 1319v. 48.981 (3) (d) 2 of the statutes is amended to read:

48.981 (3) (d) 2. If an agent or employee of a county department or licensed child welfare agency under contract with the county department required to investigate under this subsection is the subject of a report, or if the county department or licensed child welfare agency under contract with the county department determines that, because of the relationship between the county department or licensed child welfare agency under contract with the county department and the subject of a report, there is a substantial probability that the county department or licensed child welfare agency under contract with the county department would not conduct an unbiased investigation, the county department or licensed child welfare agency under contract with the county department shall, after taking any action necessary to protect the child, notify the department. Upon receipt of the notice, the department or a county department or child welfare agency designated by the department shall conduct an independent investigation. If the department designates a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, that county department shall conduct the independent investigation. If a licensed child welfare agency agrees to conduct the independent investigation, the department may designate that agency to do so. The powers and duties of the department or designated county department or child welfare agency making an independent investigation are those given to county departments under ~~sub. (3) par. (c)~~.

SECTION 1319x. 48.981 (7) (a) (intro.) and 2 of the statutes are amended to read:

48.981 (7) (a) (intro.) All reports made under this section, notices provided under sub. (3) (bm) and records maintained by the department, county departments or licensed child welfare agencies under contract with the county departments and other persons, officials and institutions shall be confidential. Reports and records may be disclosed only to the following persons:

2. Appropriate staff of the department, a county department or licensed child welfare agency under contract with the county departments, or a tribal social services department.

SECTION 1319z. 48.981 (7) (a) 7 of the statutes is amended to read:

48.981 (7) (a) 7. Another county department, or licensed child welfare agency under contract with that county department, or a tribal social services department that is currently investigating a report of suspected or threatened child abuse or neglect involving a subject of the record or report.

SECTION 1319zb. 48.981 (7) (d) of the statutes is amended to read:

48.981 (7) (d) The department may have access to any report or record maintained by a county department or licensed child welfare agency under contract with a county department under this section.

SECTION 1319zd. 48.981 (8) (d) of the statutes is amended to read:

48.981 (8) (d) 1. Each county department or licensed child welfare agency under contract with a county department staff member and supervisor whose responsibilities include investigation or treatment of child abuse and neglect shall successfully complete training in child abuse and neglect protective services approved by the department. The department shall monitor compliance with this subdivision according to rules promulgated by the department.

2. Each year the department shall make available training programs that permit intake workers and county department or licensed child welfare agency under contract with a county department staff members and supervisors to satisfy the requirements under subd. 1 and s. 48.06 (1) (am) 3 and (2) (c).

SECTION 1320j. 48.982 (1) (d) of the statutes is amended to read:

48.982 (1) (d) "Organization" means a nonprofit organization, as defined under s. 108.02 (19), or a public agency which provides or proposes to provide child abuse and neglect prevention and intervention services or parent education.

SECTION 1320L. 48.982 (2) (a) of the statutes is amended to read:

48.982 (2) (a) Biennially, develop and transmit to the governor and the presiding officer of each house of the legislature a plan for awarding grants to organizations. The plan shall assure that there is an equal opportunity for establishment of child abuse and neglect prevention programs and distribution of equal opportunity for establishment of early childhood family education centers. The plan shall also ensure that the grants will be distributed throughout all geographic areas of the state and in both urban and rural communities. For grants provided under sub. (6), the plan shall also ensure that the grants are distributed based on population.

SECTION 1320n. 48.982 (2) (c) of the statutes is amended to read:

48.982 (2) (c) Review and approve or disapprove grant applications and monitor the services provided under each grant awarded under ~~sub.~~ subs. (4) and (6).

SECTION 1321. 48.982 (2m) of the statutes is created to read:

48.982 (2m) DONATION USES. If money is accepted by the board for the children's trust fund under sub. (2) (d), the board shall use the money in accordance with the wishes of the donor to do any of the following:

(a) Award grants under sub. (4).

(b) Pay for actual and necessary operating costs under sub. (3).

(c) Fund statewide projects under sub. (5).

SECTION 1322. 48.982 (3) of the statutes is amended to read:

48.982 (3) STAFF AND SALARIES. The board shall determine the qualifications of and appoint, in the classified service except as otherwise required under s. 230.08 (2) (gg), an executive director and staff. The salaries of the executive director and staff and all actual and necessary operating expenses of the board shall be paid from the ~~appropriation~~ appropriations under s. 20.433 (1) (g), ~~(m)~~ and (r).

SECTION 1323. 48.982 (5) of the statutes is created to read:

48.982 (5) STATEWIDE PROJECTS. From the appropriation under s. 20.433 (1) (r), the board shall administer any statewide project that it has accepted money for under sub. (2m) (c).

SECTION 1323c. 48.982 (6) of the statutes is created to read:

48.982 (6) AWARD OF EARLY CHILDHOOD FAMILY EDUCATION CENTER GRANTS. (a) From the appropriation under s. 20.433 (1) (b), the board shall award grants to organizations in accordance with the request-for-proposal procedures developed under sub. (2) (a). No organization may receive a grant or grants totaling more than \$75,000 in any year.

(b) A grant may be awarded only to an organization that agrees to make a 20% match to the grant, through either money or in-kind services.

(c) Each grant application shall include proof of the organization's ability to comply with par. (b). Any in-kind services proposed under par. (b) are subject to the approval of the board.

(d) The board shall award grants to organizations for programs that provide parenting education services but not crisis intervention. Grants shall be used for direct parent education and referrals to other social services programs and outreach programs, including programs that provide education to parents in their homes. Programs supported by the grants shall track individual clients to ensure that they receive necessary services and shall emphasize direct

- 335 -

services to families with children who are 3 years of age or less.

(e) Grants awarded under this subsection may not supplant any other funding for parenting education.

(f) By March 1, 1991, the board shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees on children, in the manner provided in s. 13.172 (3). The report shall include all of the following information about grants made under this subsection:

1. The number of grants made.
2. The name of all grant recipients.
3. The number of children served.
4. Whether or not each grant recipient achieved its stated goals.

SECTION 1324. 48.985 (1) (intro.) of the statutes is amended to read:

48.985 (1) FEDERAL PROGRAM OPERATIONS. (intro.) From the appropriation under s. 20.435 (4) (6) (n), the department shall expend moneys received under 42 USC 620 to 626 as follows:

SECTION 1325. 48.985 (1) (a) of the statutes is amended to read:

48.985 (1) (a) For the department's expenses in connection with administering the expenditure of funds received under 42 USC 620 to 626, not more than ~~\$221,600~~ \$236,100 in federal fiscal year ~~1988~~ 1989-90 and not more than ~~\$221,600~~ \$242,600 in federal fiscal year ~~1989~~ 1990-91.

SECTION 1326. 48.985 (1) (b) of the statutes is repealed.

SECTION 1327. 48.985 (1) (c) of the statutes is amended to read:

48.985 (1) (c) For innovative child welfare projects and services provided or purchased by the department, including training for foster parents and for employees of county departments conducting investigations and providing services under s. 48.981, not more than ~~\$133,800~~ \$185,000 in federal fiscal year ~~1988~~ 1989-90 and not more than ~~\$65,600~~ \$185,000 in federal fiscal year ~~1989~~ 1990-91.

SECTION 1328b. 48.985 (1) (d) of the statutes is repealed.

SECTION 1329. 48.985 (1) (e) of the statutes is repealed and recreated to read:

48.985 (1) (e) For the purpose of conducting child abuse and neglect independent investigations, not more than \$35,000 in fiscal year 1989-90 and not more than \$35,000 in fiscal year 1990-91.

SECTION 1330. 48.985 (1) (f) of the statutes is created to read:

48.985 (1) (f) For the purpose of providing child at risk field training to counties, not more than \$50,000 in fiscal year 1989-90 and not more than \$50,000 in fiscal year 1990-91.

SECTION 1331. 48.985 (2) (intro.) of the statutes is amended to read:

48.985 (2) COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. (intro.) From the appropriation under s. 20.435 (4) (7) (o), the department shall expend moneys received under 42 USC 620 to 626 as follows:

SECTION 1332. 48.985 (2) (a) and (b) of the statutes are amended to read:

48.985 (2) (a) For the delivery of services to American Indians under s. 46.70, not more than \$70,000 in federal fiscal year ~~1988~~ 1989-90 and not more than \$70,000 in federal fiscal year ~~1989~~ 1990-91.

(b) To county departments under ss. 46.215, 46.22 and 46.23, for the provision or purchase of child welfare projects and services including child abuse and neglect investigation and treatment services, subject only to local, state and federal requirements specific to the types of projects or services, not more than \$1,858,000 in federal fiscal year ~~1988~~ 1989-90 and not more than \$1,858,000 in federal fiscal year ~~1989~~ 1990-91 and for the allocation for services to children and families, not more than \$567,300 in fiscal year 1989-90 and not more than \$567,300 in fiscal year 1990-91.

SECTION 1333am. 48.985 (2) (c) of the statutes is repealed and recreated to read:

48.985 (2) (c) For family-based child welfare services under s. 46.40 (11), not more than \$451,000 in fiscal year 1989-90 and not more than \$444,500 in fiscal year 1990-91.

SECTION 1334. 48.985 (2) (d) of the statutes is created to read:

48.985 (2) (d) In addition to the amounts allocated under pars. (a) to (c), for family-based child welfare services, including services to prevent and treat child abuse and neglect, and for contracting with counties and American Indian tribes for family-based child welfare services, the balance of any unanticipated additional funds that are received by the department under this subsection.

SECTION 1335. 48.985 (3) of the statutes is amended to read:

48.985 (3) COMMUNITY YOUTH AND FAMILY AIDS. From the appropriation under s. 20.435 (4) (7) (oo), to county departments under ss. 46.215, 46.22 and 46.23 for the provision of services under s. 46.26, not more than \$1,100,000 in federal fiscal year ~~1988~~ 1989-90 and not more than \$1,100,000 in federal fiscal year ~~1989~~ 1990-91.

SECTION 1336. 48.985 (4) of the statutes is created to read:

48.985 (4) RUNAWAY SERVICES. From the appropriation under s. 20.435 (7) (na) for runaway services, not more than \$458,600 in fiscal year 1989-90 and not more than \$458,600 in fiscal year 1990-91.

SECTION 1337. 48.989 (2) of the statutes is amended to read:

48.989 (2) FINANCIAL RESPONSIBILITY. Financial responsibility for any child placed under the provisions of the interstate compact on the placement of children shall be determined in accordance with ~~s. ss. 48.60 (4) (b) and~~ 48.988 (5). In the event of partial or complete default of performance under the compact, the provisions of s. 49.90, 767.42 or 767.65 or of any other applicable state law fixing responsibility for the support of children may also be invoked.

SECTION 1338. 48.992 (1) (a) of the statutes is amended to read:

48.992 (1) (a) The "appropriate court" of this state to issue a requisition under s. 48.991 (4) is the court assigned to exercise jurisdiction under this chapter for the county of the petitioner's residence, or, if the petitioner is a child welfare agency, the court so assigned for the county where the agency has its principal office, or, if the petitioner is the department of health and social services or the department of corrections, any court so assigned in the state.

SECTION 1339. 48.993 of the statutes is amended to read:

48.993 Juvenile compact administrator. (1) Pursuant to Under the interstate compact on juveniles, the governor may designate an officer or employee of the department of ~~health and social services~~ corrections to be the compact administrator, who, acting jointly with like officers of other party states, shall promulgate rules to carry out more effectively the terms of the compact. ~~He~~ The compact administrator shall serve subject to the pleasure of the governor. ~~Whenever~~ If there is a vacancy in the office of compact administrator or in the case of his absence or disability, ~~his~~ the functions shall be performed by the secretary of ~~health and social services~~ corrections, or other employee designated by the secretary of ~~the department of corrections~~. The compact administrator may cooperate with all departments, agencies and officers of and in the government of this state and its political subdivisions in facilitating the proper administration of the compact or of any supplementary agreement entered into by this state.

(2) The compact administrator shall determine for this state whether to receive juvenile probationers and parolees of other states under s. 48.991 (7) and shall arrange for the supervision of each such probationer or parolee received, either by the department of corrections or by a person appointed to perform supervision service for the court assigned to exercise jurisdiction under this chapter for the county where the juvenile is to reside, whichever is more convenient. ~~Such~~ Those persons shall in all such cases make periodic reports to the compact administrator regarding the conduct and progress of the juveniles.

SECTION 1340. 48.994 of the statutes is amended to read:

48.994 Supplementary agreements. The department of corrections may enter into supplementary agreements with appropriate officials of other states under

s. 48.991 (10). ~~In the event that such~~ If the supplementary agreement requires or contemplates the use of any institution or facility of this state or the provision of any service by this state, said the supplementary agreement shall have has no effect until approved by the department of corrections or agency under whose jurisdiction ~~said the~~ the institution or facility is operated or which shall be charged with the rendering of ~~such~~ the service.

SECTION 1341. 48.995 (2) of the statutes is amended to read:

48.995 (2) In the case of an escapee or absconder under s. 48.991 (5) or (6), if the juvenile is in the legal custody of the department, ~~it of corrections, the department~~ shall bear the expense of his or her return; otherwise the appropriate court shall, on petition of the person entitled to the juvenile's custody or charged with his or her supervision, arrange for the transportation at the expense of the county and order that the county reimburse the person, if any, who returns the juvenile, for the person's actual and necessary expenses. In this subsection "appropriate court" means the court which adjudged the juvenile to be delinquent or, if the juvenile is under supervision for another state under s. 48.991 (7), then the court assigned to exercise jurisdiction under this chapter for the county of the juvenile's residence during ~~such the~~ supervision.

SECTION 1342. 49.001 (4) of the statutes is amended to read:

49.001 (4) The right to a speedy determination of the recipient's status or eligibility for public assistance, to notice of any proposed change in such status or eligibility, and, in the case of assistance granted under s. 49.19, 49.46, ~~49.468~~ or 49.47, to a speedy appeals process for resolving contested determinations.

SECTION 1346. 49.02 (10) (b) 1 of the statutes is amended to read:

49.02 (10) (b) 1. ~~The~~ Except as provided in subd. 1m, the department shall establish maximum rates for inpatient and outpatient hospital care furnished as general relief, including emergency care provided under sub. (5), equal to the interim rates payable under s. 49.45 (3) (e) in effect on December 31, 1986, adjusted annually to reflect any general inflationary rate increase provided for hospitals under medical assistance.

SECTION 1347. 49.02 (10) (b) 1m of the statutes is created to read:

49.02 (10) (b) 1m. If 2 or more hospitals merge or a new hospital is created after December 31, 1986, and the department establishes rates for inpatient and outpatient care furnished by the merged or newly created hospital under s. 49.45 (3) (e), then the department shall establish maximum rates for inpatient and outpatient care furnished by the merged or newly created hospital as general relief, including emergency care furnished under sub. (5), equal to the rates established

under s. 49.45 (3) (e) following the merger or creation of the new hospital, adjusted annually to reflect any general inflationary rate increases provided for hospitals under medical assistance.

SECTION 1348. 49.02 (10) (b) 2 of the statutes is amended to read:

49.02 (10) (b) 2. A county shall limit its liability for inpatient and outpatient hospital care furnished as general relief to the rates established under subd. 1 or 1m.

SECTION 1350. 49.032 (4g) of the statutes is amended to read:

49.032 (4g) If in 1986 a county or municipality provides a monthly general relief benefit to an eligible dependent person which exceeds the monthly benefit amount required under sub. (1) (a), the department shall reimburse the county or municipality at the rate set forth under s. 49.035 (1) (b), from the appropriation under s. 20.435 (4) (7) (eb), for the amount paid to the eligible dependent person.

SECTION 1351. 49.032 (4r) of the statutes is amended to read:

49.032 (4r) After December 31, 1986, if a general relief agency provides a monthly general relief benefit to an eligible dependent person which exceeds the monthly benefit amount required under sub. (1) (c), the department shall reimburse the general relief agency at the rate set forth under s. 49.035 (1) (c), from the appropriation under s. 20.435 (4) (7) (eb), for the amount paid to the eligible dependent person.

SECTION 1352. 49.035 (1) (intro.) of the statutes is amended to read:

49.035 (1) (intro.) From the appropriation under s. 20.435 (4) (7) (eb) the department shall reimburse, except for medical costs:

SECTION 1353. 49.035 (2) (intro.) of the statutes is amended to read:

49.035 (2) (intro.) From the appropriation under s. 20.435 (4) (7) (eb), the department shall reimburse, for general relief medical costs:

SECTION 1354. 49.035 (4) of the statutes is amended to read:

49.035 (4) Claims for reimbursement under subs. (1) and (2) shall be filed with the department by March 1 of the year immediately following the calendar year in which the costs were incurred. If the funds available under s. 20.435 (4) (7) (eb) are insufficient to reimburse all eligible costs, the funds shall be prorated.

SECTION 1360. 49.043 of the statutes is amended to read:

49.043 Health insurance for unemployed persons. Any municipality or county may purchase health or dental insurance for unemployed persons residing in the municipality or county who are not eligible for medical assistance under s. 49.46, 49.468 or 49.47.

SECTION 1362. 49.046 (3) (a) 1. (intro.) of the statutes is amended to read:

49.046 (3) (a) 1. (intro.) From the appropriation under s. 20.435 (4) (7) (e), the department shall pay aid to eligible persons based on family size. The department shall designate 2 areas of the state based on variations in shelter cost. Except as provided under subd. 1m, monthly payments shall be as follows:

SECTION 1363. 49.046 (4) (f) of the statutes is amended to read:

49.046 (4) (f) The department, after consulting with all elected tribal governing bodies in this state, shall promulgate rules establishing the allowable costs of administering this section and shall reimburse each administering agency for its allowable costs from the appropriation under s. 20.435 (4) (7) (de).

SECTION 1364. 49.05 (7m) of the statutes is amended to read:

49.05 (7m) From the appropriation under s. 20.435 (4) (7) (eb), the department shall reimburse the county for the value of work relief payment provided under sub. (2) at the reimbursement levels under s. 49.035, less any reimbursement received by the county under sub. (3) (a) 2 or (b) 2, and, after January 1, 1986, for the educational payment under sub. (9) at the reimbursement levels under s. 49.035.

SECTION 1365. 49.053 (4) of the statutes is amended to read:

49.053 (4) From the appropriation under s. 20.435 (4) (7) (eb), the department shall reimburse the county for the value of wage subsidization provided the employer of an individual under a general relief grant diversion program, at the reimbursement levels under s. 49.035.

SECTION 1380. 49.13 (5) of the statutes is created to read:

49.13 (5) A person applying for aid to families with dependent children under s. 49.19, medical assistance under ss. 49.45 to 49.47 or food stamp program benefits under 7 USC 2011 to 2029 shall, as a condition of eligibility, provide a declaration and other verification of citizenship or satisfactory immigration status as required in 42 USC 1320b-7 (d).

SECTION 1381. 49.133 (2) of the statutes is amended to read:

49.133 (2) The department shall conduct a program to periodically match records of recipients of medical assistance under s. 49.46, 49.468 or 49.47, aid to families with dependent children under s. 49.19 and the food stamp program under 7 USC 2011 to 2029 with the records of recipients under those programs in other states. If an agreement with the other states can be obtained, matches with records of states contiguous to this state shall be conducted at least annually.

SECTION 1382. 49.133 (3) of the statutes is amended to read:

49.133 (3) The department shall conduct a program to periodically match the address records of recipients

of medical assistance under s. 49.46, 49.468 or 49.47, aid to families with dependent children under s. 49.19 and the food stamp program under 7 USC 2011 to 2029 to verify residency and to identify recipients receiving duplicate or fraudulent payments.

SECTION 1383. 49.133 (5) of the statutes is amended to read:

49.133 (5) The department shall conduct a program to periodically match the records of persons confined in state correctional facilities with the records of recipients of medical assistance under s. 49.46, 49.468 or 49.47, aid to families with dependent children under s. 49.19 and the food stamp program under 7 USC 2011 to 2029 to identify recipients who may be ineligible for benefits.

SECTION 1384. 49.133 (5) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

49.133 (5) The department, with assistance from the department of corrections, shall conduct a program to periodically match the records of persons confined in state correctional facilities with the records of recipients of medical assistance under s. 49.46, 49.468 or 49.47, aid to families with dependent children under s. 49.19 and the food stamp program under 7 USC 2011 to 2029 to identify recipients who may be ineligible for benefits.

SECTION 1386p. 49.177 (3s) (b) of the statutes is renumbered 49.177 (3s) (b) 1 and amended to read:

49.177 (3s) (b) 1. If a person receiving payments under this section ~~resides with a spouse or~~ is a minor child residing with a parent, only services needed when the ~~spouse or~~ parent is away from the residence for purposes of employment count toward the 40-hour requirement in par. (a).

SECTION 1386q. 49.177 (3s) (b) 2 of the statutes is created to read:

49.177 (3s) (b) 2. If a person receiving payments under this section resides with a spouse, only services needed either because the spouse is away from the residence for purposes of employment or because the spouse is physically or mentally unable to provide the care count toward the 40-hour requirement in par. (a).

SECTION 1387. 49.19 (1) (a) 2. b of the statutes is amended to read:

49.19 (1) (a) 2. b. Is living in a foster home licensed under s. 48.62 if a license is required under that section, in a foster home located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, in a group home licensed under s. 48.625 or in a child-caring institution licensed under s. 48.60, and has been placed in the foster home, group home or institution by a county department under s. 46.215, 46.22 or 46.23, by the department of corrections, by the department of health and social services or by a federally recognized American Indian tribal governing body in this state under an agreement with a county department.

SECTION 1389. 49.19 (2) (p) of the statutes is amended to read:

49.19 (2) (p) Any person who has conveyed, transferred or disposed of any property asset that would be included in determining the value of assets under sub. (4) (bm) within 2 years prior to the date of making application, or of redetermination of eligibility, for benefits under this section ~~without receiving adequate and full consideration in money or money's worth at less than fair market value~~ shall, unless shown to the contrary, be presumed to have made the transfer, conveyance or disposition in contemplation of receiving benefits under this section and shall be ineligible to receive the benefits thereafter until the uncompensated value of the property asset is expended by or on behalf of the person for his or her maintenance needs, including needs for medical care. The department shall promulgate rules for the administration of this paragraph. This paragraph shall apply to the extent permitted under federal law.

SECTION 1389g. 49.19 (5) (a) 1e of the statutes is created to read:

49.19 (5) (a) 1e. Any amount received under section 32 of the internal revenue code, as defined in s. 71.01 (6), and any payment made by an employer under section 3507 of the internal revenue code, as defined in s. 71.01 (6), to a family receiving aid.

SECTION 1389i. 49.19 (5) (a) 2. (intro.) of the statutes is amended to read:

49.19 (5) (a) 2. (intro.) The first ~~\$75~~ \$90 shall be disregarded from the earned income of:

SECTION 1389k. 49.19 (5) (a) 3 of the statutes is renumbered 49.19 (5) (a) 4s, and 49.19 (5) (a) 4s. (intro.), as renumbered, is amended to read:

49.19 (5) (a) 4s. (intro.) ~~An~~ After disregarding the amounts under subd. 2 and either subd. 4 or par. (am), an amount equal to expenditures and not to exceed \$160 \$175 per month for each dependent child or incapacitated person, or a lesser amount specified by the department \$200 per month for each child under the age of 2, shall be disregarded from the earned income of any person listed in subd. 2 if:

SECTION 1389m. 49.19 (5) (a) 4. (intro.) of the statutes is amended to read:

49.19 (5) (a) 4. (intro.) Except as provided under par. (am), after disregarding the amounts specified under ~~subds. subd. 2 and 3,~~ subd. 2 and 3, \$30 of earned income and an amount equal to one-third of the remaining earned income not disregarded, from the earned income of any person specified in subd. 2. These disregards do not apply to:

SECTION 1389n. 49.19 (5) (a) 5 of the statutes is amended to read:

49.19 (5) (a) 5. The disregards specified in subds. 2 to ~~4m~~ 4s and par. (am) do not apply to the earned income of any person who violates 45 CFR 233.20 (a) (1) (iii).

SECTION 1389q. 49.19 (5) (am) 1. (intro.) of the statutes is amended to read:

49.19 (5) (am) 1. (intro.) Except as provided under subd. 1m, instead of the disregards under par. (a) 4 and 4m, after disregarding the amounts specified under par. (a) 2 ~~and 3~~, \$30 of earned income and an amount equal to one-sixth of the remaining earned income not disregarded shall be disregarded from the earned income of a person specified in par. (a) 2. These disregards do not apply to:

SECTION 1391. 49.19 (10) (d) of the statutes is amended to read:

49.19 (10) (d) Aid may also be paid under this section to a foster home, to a group home licensed under s. 48.625 or to a child-caring institution by the state when the child is in the custody or guardianship of the state, when the child is a ward of an American Indian tribal court in this state and the placement is made under an agreement between the department and the tribal governing body or when the child was part of the state's direct service case load and was removed from the home of a relative specified in sub. (1) (a) as a result of a judicial determination that continuance in the home of a relative would be contrary to the child's welfare for any reason and the child is placed by the department of corrections or the department of health and social services.

SECTION 1392. 49.19 (11) (a) 1. a. (intro.) of the statutes is amended to read:

49.19 (11) (a) 1. a. (intro.) Monthly payments made under s. 20.435 (4) (7) (d) and (p) to persons or to families with dependent children shall be based on family size and shall be at 80% of the total of the allowances under subds. 2 and 4 plus the following standards of assistance for the period from September 1, 1987, to June 30, ~~1989~~ 1991:

SECTION 1392g. 49.19 (11) (b) of the statutes is amended to read:

49.19 (11) (b) The department shall implement a program of emergency assistance to needy persons in cases of fire, flood, natural disaster, homelessness or energy crisis. Eligibility shall not exceed the limitations for federal participation defined by federal regulations, including 45 CFR 233.120. The aid granted, except for cases of energy crisis, shall not exceed \$150 per family member.

SECTION 1394. 49.19 (12) of the statutes is amended to read:

49.19 (12) Monthly payments in foster care shall be provided according to the following age-related rates beginning January 1, ~~1985~~: ~~\$160~~ 1986: \$163 for children aged 4 and under; ~~\$217~~ \$224 for children aged 5 to 11; ~~\$265~~ \$274 for children aged 12 to 14 and ~~\$275~~ \$284 for children aged 15 to 17. In addition to these grants for basic maintenance, supplemental payments for special needs and initial clothing allowances shall be made according to rules which the department shall promulgate. Beginning January 1, ~~1986~~ 1990, the age-related rates shall be: ~~\$163~~ \$194 for children aged 4 and under; ~~\$224~~ \$240 for children aged 5 to 11; ~~\$274~~

~~\$293~~ for children aged 12 to 14 and ~~\$284~~ \$304 for children aged 15 to 17. Beginning January 1, 1991, the age-related rates shall be: \$231 for children aged 4 and under; \$257 for children aged 5 to 11; \$314 for children aged 12 to 14 and \$324 for children aged 15 to 17.

SECTION 1394g. 49.19 (15) of the statutes is created to read:

49.19 (15) By January 1, 1990, the department shall apply for approval of a demonstration project under 42 USC 1315 (d) (1) (A) which would test and evaluate the elimination, on a statewide basis, of the limit on the number of hours a parent may work and still be considered unemployed for purposes of eligibility for aid under this section. If the application is approved, the department shall inform the joint committee on finance. The department may implement the demonstration project only if the joint committee on finance approves the demonstration project.

SECTION 1395. 49.195 (5) of the statutes is repealed.

SECTION 1396. 49.197 (1) of the statutes is repealed.

SECTION 1397. 49.197 (1m) of the statutes is amended to read:

49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4) ~~(de)~~, (6) (L), and (n) and (7) ~~(de)~~, (L) and (nL), the department shall establish a program to investigate suspected fraudulent activity on the part of recipients of medical assistance under ss. 49.46 to 49.47, aid to families with dependent children under s. 49.19 and the food stamp program under 7 USC 2011 to 2029. The department's activities under this subsection may include, but are not limited to, comparisons of information provided to the department by an applicant and information provided by the applicant to other federal, state and local agencies, development of an advisory welfare investigation prosecution standard and provision of funds to county departments under s. 46.215, 46.22 and 46.23 to encourage activities to detect fraud.

SECTION 1398. 49.197 (3) of the statutes is amended to read:

49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct activities to reduce payment errors in medical assistance under ss. 49.43 to 49.47, aid to families with dependent children under s. 49.19 and the food stamp program under 7 USC 2011 to 2029. The department shall fund the activities under this section from the appropriation under s. 20.435 (6) (L).

SECTION 1399. 49.197 (4) of the statutes is amended to read:

49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. The department shall provide funds from the appropriations under s. 20.435 (4) ~~(de)~~ (6) (L) and (7) ~~(de)~~ and (L) and federal matching funds from the appropriations under s. 20.435 (4) (6) (n) and (7) (nL) to counties and governing bodies of federally recognized

American Indian tribes administering medical assistance under ss. 49.43 to 49.47, aid to families with dependent children under s. 49.19 or the food stamp program under 7 USC 2011 to 2029 to offset administrative costs of reducing payment errors in those programs.

SECTION 1400. 49.20 (3) of the statutes is amended to read:

49.20 (3) PAYMENT. Aid under this section shall be paid from the appropriation under s. 20.435 (4) (7) (d) and shall be in an amount equal to that to which the person would be entitled under s. 49.19 if he or she were 17 years of age, except that if the person's family became ineligible for aid under s. 49.19 on the person's 18th birthday, the amount paid shall equal the amount of aid granted to a single person under s. 49.19.

SECTION 1400g. 49.30 (1) (b) of the statutes is amended to read:

49.30 (1) (b) Except as provided under sub. (2), the lesser of ~~\$618~~ \$650 in state fiscal year ~~1985-86~~ 1989-90 and ~~\$636~~ \$675 in each state fiscal year thereafter or the funeral and burial expenses not paid by the estate of the deceased and other persons.

SECTION 1402. 49.45 (2) (a) 3 of the statutes is amended to read:

49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance, rehabilitative and social services under ss. 49.46, 49.468 and 49.47 and rules and policies adopted by the department and may designate this function to the county department under s. 46.215 or 46.22;

SECTION 1403. 49.45 (2) (a) 19 of the statutes is created to read:

49.45 (2) (a) 19. Contract with a county department under s. 46.21, 46.23, 51.42 or 51.437 to perform preadmission screening and resident review under sub. (6c).

SECTION 1404. 49.45 (3) (b) of the statutes is amended to read:

49.45 (3) (b) 1. The contractor, if any, administering benefits or providing prepaid health care under s. 49.46, 49.465, 49.468 or 49.47 shall be entitled to payment from the department for benefits so paid or prepaid health care so provided or made available when a certification of eligibility is properly on file with the contractor in addition to the payment of administrative expense incurred pursuant to the contract and as provided in sub. (2) (a) 4, but the contractor shall not be reimbursed for benefits erroneously paid where no certification is on file.

2. The contractor, if any, insuring benefits under s. 49.46, 49.465, 49.468 or 49.47 shall be entitled to receive a premium, in an amount and on terms agreed, for such benefits for the persons eligible to receive them and for its services as insurer.

SECTION 1405. 49.45 (6) (a) of the statutes is amended to read:

49.45 (6) (a) The department may select county departments under s. 46.23 or 51.42 that volunteer to participate in a pilot program beginning January 1, 1984, and continuing as long as federal waiver permits, concerning the provision of all mental health care by medical assistance. The number of county departments selected to participate shall be determined by the department considering cost-effective service provision and federal waiver limits. For each participating county department, the department shall determine a base level of medical assistance expenditures for all mental health care funded by medical assistance, including alcohol and other drug abuse treatment, for persons of all ages. The department shall transfer or credit funds from the appropriation under s. 20.435 (1) (b) to the appropriation under s. 20.435 (4) (7) (b) equal to the state share of this base level of expenditures, for payment to participating county departments. The department's method of determining each county department's base level of funding and the transfer or credit of funds are subject to the approval of the joint committee on finance.

SECTION 1406. 49.45 (6b) of the statutes is created to read:

49.45 (6b) CENTERS FOR THE DEVELOPMENTALLY DISABLED. From the appropriation under s. 20.435 (2) (gk), the department shall expend moneys to reimburse the cost of services provided by the centers for the developmentally disabled as follows:

(a) Total reimbursement to all centers, excluding amounts available for resident activity therapy and amounts collected from other state facilities under shared services agreements, may not exceed \$96,486,200 in fiscal year 1989-90 and \$96,751,300 in fiscal year 1990-91, unless a supplement to s. 20.435 (2) (gk) is received under s. 16.515.

(b) Notwithstanding par. (a), reimbursement to the centers for the developmentally disabled shall be reduced following each placement made under s. 46.275 which involves a relocation from a center for the developmentally disabled, as follows:

1. For relocations from the central Wisconsin center for the developmentally disabled, by \$90.13 per day in fiscal year 1989-90 and by \$90.13 per day in fiscal year 1990-91.

2. For relocations from the northern Wisconsin center for the developmentally disabled, by \$79.29 per day in fiscal year 1989-90 and by \$79.29 per day in fiscal year 1990-91.

3. For relocations from the southern Wisconsin center for the developmentally disabled, by \$78.17 per day in fiscal year 1989-90 and by \$78.17 per day in fiscal year 1990-91.

SECTION 1407. 49.45 (6c) of the statutes is created to read:

49.45 (6c) PREADMISSION SCREENING AND RESIDENT REVIEW. (a) Definitions. In this subsection:

Vetoed in Part SECTION 1404m. 49.45 (3) (a) 9 of the statutes is repealed.

1. "Active treatment for developmental disability" means a continuous program for an individual who has a developmental disability that includes aggressive, consistent implementation of specialized and generic training, treatment, health services and related services, that is directed toward the individual's acquiring behaviors necessary for him or her to function with as much self-determination and independence as possible and that is directed toward preventing or decelerating regression or loss of the individual's current optimal functional status. "Active treatment for developmental disability" does not include services to maintain generally independent individuals with developmental disability who are able to function with little supervision or in the absence of active treatment for developmental disability.

2. "Active treatment for mental illness" means the implementation of an individualized plan of care for an individual with mental illness that is developed under and supervised by a physician licensed under ch. 448 and other qualified mental health care providers and that prescribes specific therapies and activities for the treatment of the individual while the individual experiences an acute episode of severe mental illness which necessitates supervision by trained mental health care providers.

3. "County department" means a department under s. 46.21, 46.23, 51.42 or 51.437.

4. "Developmental disability" means any of the following:

a. Significantly subaverage general intellectual functioning that is concurrent with an individual's deficits in adaptive behavior and that manifested during the individual's developmental period.

b. A severe, chronic disability that meets all of the conditions for individuals with related conditions as specified in 42 CFR 435.1009.

5. "Facility" has the meaning given under 42 USC 1396r (a).

6. "Facility care" means services provided in a facility that are in conformity with 42 USC 1396r and that are payable under sub. (6m).

7. "Mental illness" has the meaning given in 42 USC 1396r (e).

(b) *Preadmission screening.* Except as provided in par. (e), beginning on the effective date of this paragraph [revisor inserts date], every individual who applies for admission to a facility and who has not been referred to the facility by a county department shall be screened to determine if the individual has developmental disability or mental illness. Beginning on the effective date of this paragraph [revisor inserts date], a county department shall screen every individual who has been identified as having a developmental disability or mental illness to determine if the individual needs facility care. If the individual is determined to need facility care, the county department shall also assess the individual to determine if he

or she requires active treatment for developmental disability or active treatment for mental illness.

(c) *Resident review.* Except as provided in par. (e), by April 1, 1990, and at least annually thereafter, the county department shall review every resident of a facility who has a developmental disability or mental illness to determine if any of the following applies:

1. The resident needs facility care.

2. The resident requires active treatment for developmental disability or active treatment for mental illness.

(d) *Payment for facility care.* 1. No payment may be made under sub. (6m) to a facility for the care of an individual who is otherwise eligible for medical assistance under s. 49.46 or 49.47, who has developmental disability or mental illness and for whom under par. (b) or (c) it is determined that he or she does not need facility care, unless it is determined that the individual requires active treatment for developmental disability or active treatment for mental illness and has continuously resided in a facility for at least 30 months prior to the date of the determination. If that individual requires active treatment and has so continuously resided, he or she shall be offered the choice of receiving active treatment for developmental disability or active treatment for mental illness in the facility or in an alternative setting. A facility resident who has developmental disability or mental illness, for whom under par. (c) it is determined that he or she does not need facility care and who has not continuously resided in a facility for at least 30 months prior to the date of the determination, may not continue to reside in the facility after December 31, 1993, and shall, if the department so determines, be relocated from the facility after March 31, 1990, and before December 31, 1993. The county department shall be responsible for securing alternative residence on behalf of an individual who is required to be relocated from a facility under this subdivision, and the facility shall cooperate with the county department in the relocation.

2. Payment may be made under sub. (6m) to a facility for the care of an individual who is otherwise eligible for medical assistance under s. 49.46 or 49.47 and who has developmental disability or mental illness and is determined under par. (b) or (c) to need facility care, regardless of whether it is determined under par. (b) or (c) that the individual does or does not require active treatment for developmental disability or active treatment for mental illness.

(e) *Exceptions.* 1. Payment under sub. (6m) may be made to a facility and no screening under par. (b) or review under par. (c) is required for an individual who is medically diagnosed as having developmental disability or mental illness, and who is not a danger to himself or herself or to others, if any of the following applies:

a. Immediately after release from a hospital, the individual enters the facility, as part of a medically

prescribed period of recovery, for a period not to exceed 120 days and the admission is approved by the county department and the department.

b. The individual is certified by a physician licensed under ch. 448 to have a medical prognosis that his or her life expectancy is 6 months or less, and the admission is approved by the county department and the department.

c. The individual is comatose, ventilator dependent or functions at brain stem level or is diagnosed by a physician licensed under ch. 448 to have chronic obstructive pulmonary disease, severe Parkinson's disease, Huntington's disease, amyotrophic lateral sclerosis or congestive heart failure, and the admission is approved by the county department and the department.

2. Payment under sub. (6m) may be made to a facility for an individual who is 65 years of age or older, is medically diagnosed as having developmental disability or mental illness, is not a danger to himself or herself or to others and is competent to make an independent decision, if, following screening under par. (b) or review under par. (c), all of the following apply:

a. It is determined that the individual needs facility care and requires active treatment for developmental disability or active treatment for mental illness.

b. The individual chooses not to participate in active treatment.

(f) *Hearing.* An individual for whom facility admission is denied under par. (b) or for whom a determination under par. (c) results in prohibition of payment to a facility under par. (d) and relocation from the facility may request a hearing from the department.

(g) *Rule making.* The department shall promulgate all of the following rules:

1. Establishing criteria and procedures for a determination by the department under par. (d) that a resident be relocated from a facility after March 31, 1990, and before December 31, 1993.

2. Establishing standards for the conduct of hearings under par. (f).

SECTION 1408. 49.45 (6g) (a) (intro.) of the statutes is amended to read:

49.45 (6g) (a) (intro.) Notwithstanding sub. (6m) (ag) and except as provided under par. (ar), if ~~during the period beginning on July 1, 1987 and ending on June 30 before July 1, 1989,~~ the federal health care financing administration or the department finds a skilled nursing facility or intermediate care facility in this state that provides care to medical assistance recipients for which the facility receives reimbursement under sub. (6m) to be an institution for mental diseases, as defined under 42 CFR 435.1009, the department shall transfer or credit funds as specified in par. (ag) from the appropriation under s. 20.435 (1) (b) to the appropriation under s. 20.435 (4) (7) (b) for distribution to a county department under s. 51.42

until June 30, ~~1989~~ 1991, under this section for the care of the following persons occupying beds in the facility found to be an institution for mental diseases:

SECTION 1409. 49.45 (6g) (a) 3 of the statutes is amended to read:

49.45 (6g) (a) 3. A person who is aged 21 to 64, who has a primary diagnosis of mental illness, who would meet the level of care requirements for medical assistance reimbursement in a skilled nursing facility or intermediate care facility but for a finding that the facility is an institution for mental diseases, and for whom services would be provided in place of a person specified in subd. 1 who discontinues services.

SECTION 1410am. 49.45 (6g) (ag) of the statutes is renumbered 49.45 (6g) (ag) 1, and 49.45 (6g) (ag) 1. a of the statutes, as renumbered, is amended to read:

49.45 (6g) (ag) 1. a. Funds at 90% of the daily medical assistance reimbursement rate under sub. (6m) of the facility, unless the amount of \$6,544,100 ~~plus the state share of the daily medical assistance reimbursement rate~~ \$11,612,500 in state fiscal year 1989-90 and \$11,612,500 in state fiscal year 1990-91 that is budgeted for this purpose ~~for facilities found to be institutions for mental diseases before July 1, 1989,~~ and for the purpose of relocations under s. 46.266 for state fiscal year ~~1988-89~~ 1989-90 and state fiscal year 1990-91 under s. 20.435 (1) (b) is insufficient to reimburse all eligible costs, in which case the funds shall be prorated by the department.

SECTION 1410c. 49.45 (6g) (ag) 2 of the statutes is created to read:

49.45 (6g) (ag) 2. After December 31, 1988, no costs related to services that are funded under par. (a) may be reimbursed from general purpose revenues other than those specified under subd. 1.

SECTION 1411. 49.45 (6g) (d) of the statutes is amended to read:

49.45 (6g) (d) No skilled nursing facility or intermediate care facility that has residents who are 21 to 64 years of age and have a ~~diagnosis~~ primary diagnoses of mental illness may receive funds under this subsection unless the skilled nursing facility or intermediate care facility has received distinct part or separate licensure under s. 50.03 (1m). ~~illness may receive funds under this subsection unless the skilled nursing facility or intermediate care facility has received distinct part or separate licensure under s. 50.03 (1m).~~

SECTION 1412. 49.45 (6m) (a) 1 of the statutes is amended to read:

49.45 (6m) (a) 1. "Active treatment" has the meaning specified in ~~42 CFR 435.1009~~ 42 USC 1396r (e) (7) (G) (iii).

SECTION 1413. 49.45 (6m) (ag) (intro.) of the statutes is amended to read:

49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this subsection made under s. 20.435 (1) (b), (o) or (p) shall, except as provided in pars. (bg), (bm) and (br), be determined according to a prospective payment system updated annually by the depart-

ment. The payment system shall implement standards which are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care in conformity with this section, with federal regulations authorized under 42 USC 1396a (a) (13) (A), 1396a (a) (30), 1396b (i) (3) and, 1396L and 1396r (e) and with quality and safety standards established under subch. II of ch. 50 and ch. 150. In administering this payment system, the department shall allow costs it determines are necessary and proper for providing patient care. The payment system shall reflect all of the following:

SECTION 1414. 49.45 (6m) (ag) 3 and 4 of the statutes are consolidated, renumbered 49.45 (6m) (ag) 3m and amended to read:

49.45 (6m) (ag) 3m. For state fiscal year ~~1987-88 1989-90~~, rates that shall be set by the department based on information from cost reports for the ~~1986 1988~~ fiscal year of the facility. ~~4. For and for state fiscal year 1988-89 1990-91, rates that shall be set by the department based on information from cost reports for the 1987 1989 fiscal year of the facility or upon information from cost reports, adjusted by a percentage rate for inflation determined by the department, for the 1986 fiscal year of the facility.~~

SECTION 1415. 49.45 (6m) (ag) 8 of the statutes is amended to read:

49.45 (6m) (ag) 8. Calculation of total payments and supplementary payments to facilities that permits an increase in funds allocated under s. 20.435 (1) (b) and (o) for nursing home care provided medical assistance recipients over that paid for services provided in state fiscal year ~~1986-87 1988-89~~ of no more than ~~2% 5.1%~~ during state fiscal year ~~1987-88 1989-90~~ and over that paid for services provided in state fiscal year ~~1987-88 1989-90~~ of no more than ~~2% 4.1%~~ during state fiscal year ~~1988-89 1990-91~~, excluding increases in total payments attributable to increases in recipient utilization of nursing home care, payments for the provision of active treatment to facility residents with developmental disability or chronic mental illness and payments for preadmission screening of facility applicants and annual reviews of facility residents required under 42 USC 1396r (e).

SECTION 1416. 49.45 (6m) (am) 1. c of the statutes is repealed.

SECTION 1417. 49.45 (6m) (am) 2. c of the statutes is repealed.

SECTION 1418. 49.45 (6m) (am) 5 of the statutes is renumbered 49.45 (6m) (am) 6.

SECTION 1419. 49.45 (6m) (am) 5 of the statutes is created to read:

49.45 (6m) (am) 5. Allowable administrative and general costs, including costs related to the facility's overall management and administration and allowable expenses that are not recognized or reimbursed in other cost centers.

SECTION 1420. 49.45 (6m) (ar) 1. a of the statutes is amended to read:

49.45 (6m) (ar) 1. a. The department shall establish standards for payment of allowable direct care costs that are at least 110% of the median for direct care costs for facilities that do not primarily ~~service~~ serve the developmentally disabled and separate standards for payment of allowable direct care costs that are at least 110% of the median for direct care costs for facilities primarily serving the developmentally disabled. The standards shall be adjusted by the department for regional labor cost variations. The department may decrease the percentage established for the standards only if amounts available under par. (ag) (intro.) are insufficient to provide total payment under par. (am), less capital costs under subd. 5 6.

SECTION 1421. 49.45 (6m) (ar) 1. c of the statutes is amended to read:

49.45 (6m) (ar) 1. c. If a facility has an approved program for provision of service to emotionally disturbed or mentally retarded residents, residents dependent upon ventilators, or residents requiring supplemental skilled care due to complex medical conditions, a supplement to the direct care component of the facility rate under subd. 1. b ~~shall~~ may be made to that facility according to a method developed by the department.

SECTION 1423. 49.45 (6m) (ar) 1. d of the statutes is repealed.

SECTION 1424. 49.45 (6m) (ar) 2. c of the statutes is repealed.

SECTION 1425. 49.45 (6m) (ar) 2. d of the statutes is amended to read:

49.45 (6m) (ar) 2. d. The department may provide an efficiency incentive payment to a facility whose allowable support service costs are less than the standards set forth under subd. 2. a and a cost share payment to a facility whose allowable support service costs are greater than the standards set forth under subd. 2. a.

SECTION 1426. 49.45 (6m) (ar) 3. c of the statutes is amended to read:

49.45 (6m) (ar) 3. c. The department may provide an efficiency incentive payment to a facility whose allowable heating fuel and heating utility costs are less than the standard set forth under subd. 3. a and a cost share payment to a facility whose allowable heating fuel and utility costs are greater than the standards set forth under subd. 3. a.

SECTION 1427. 49.45 (6m) (ar) 5 of the statutes is renumbered 49.45 (6m) (ar) 6.

SECTION 1428. 49.45 (6m) (ar) 5 of the statutes is created to read:

49.45 (6m) (ar) 5. For administrative and general costs:

a. The department shall establish one or more standards for the payment of administrative and general

costs that are not less than the median of administrative and general costs for a sample of all facilities within the state.

b. The department shall establish the administrative and general component of the facility rate for each facility by comparing actual allowable administrative and general cost information of that facility, adjusted for inflation, to the applicable standard established under subd. 5. a.

c. The department may provide an efficiency incentive payment to a facility whose allowable administrative and general costs are less than the standards set forth under subd. 5. a.

SECTION 1429. 49.45 (6m) (av) 1 of the statutes is amended to read:

49.45 (6m) (av) 1. The department shall calculate a payment rate for a facility by applying the criteria set forth under pars. (ag) 1 to 5, 7 and 8, (am) 1 to ~~4~~ 5 and (ar) 1 to ~~4~~ 5 to ~~costs requested for payment information from cost reports submitted by the facility.~~

SECTION 1430m. 49.45 (6m) (av) 2 of the statutes, as affected by 1989 Wisconsin Act 6, is repealed and recreated to read:

49.45 (6m) (av) 2. The department shall compile an average payment rate for each facility based on that facility's rates for cost centers described under par. (am) 1 to 5 that were in effect on June 30 of the previous year. The department may develop a method for adjusting the facility's rate for the cost center under par. (am) 1 in compiling the average payment rate under this subdivision.

SECTION 1431. 49.45 (6m) (av) 3 of the statutes is amended to read:

49.45 (6m) (av) 3. The department shall calculate the facility's projected cost per patient day, based on that facility's cost centers under par. (am) 1 to ~~4~~ 5, adjusted for inflation, ~~with administrative and general costs limited to a maximum as determined by the department.~~

SECTION 1432. 49.45 (6m) (av) 4 of the statutes is repealed and recreated to read:

49.45 (6m) (av) 4. If the facility's payment rate under subd. 1 is a decrease from its average payment rate from the previous year under subd. 2, or if the facility's payment rate under subd. 1 is, for the 1989 fiscal year of the facility, less than a 5.1% increase over its average payment rate under subd. 2 or is, for the 1990 fiscal year of the facility, less than a 4.1% increase over its average payment rate under subd. 2, and if the figure calculated under subd. 3 exceeds the payment rate for the facility under subd. 1, the following shall apply:

a. The facility's average payment rate shall be the greater of its average payment rate under subd. 2 increased by the amount determined under subd. 4. b or its rate under subd. 1.

b. The department may increase the rate under subd. 2 by an amount not to exceed, for state fiscal

year 1989-90, 5.1% of the facility's average payment rate under subd. 2, or, for state fiscal year 1990-91, 4.1% of the facility's average payment rate under subd. 2, based on an analysis which may be conducted by the department which compares the facility's average payment rate under subd. 2 with the costs under subd. 3 of similar facilities.

SECTION 1433. 49.45 (6m) (av) 5 of the statutes is repealed and recreated to read:

49.45 (6m) (av) 5. If subd. 4 does not apply, the facility's payment rate shall be the payment rate calculated under subd. 1.

SECTION 1434m. 49.45 (6m) (av) 5m of the statutes, as affected by 1989 Wisconsin Act 6, is repealed and recreated to read:

49.45 (6m) (av) 5m. Notwithstanding the limitations under par. (ag) 8, the rate under subd. 1, 4 or 5 may be adjusted by the department to reflect payments for the provision of active treatment to facility residents with a diagnosis of developmental disability.

SECTION 1435. 49.45 (6m) (av) 6 of the statutes is amended to read:

49.45 (6m) (av) 6. The total payment rate for a facility as calculated under subd. 1, 4, ~~5, b or e~~ 5 or 5m shall be the sum of the rate so calculated, plus capital payment calculated under pars. (am) ~~5~~ 6 and (ar) ~~5~~ 6 and payment for ancillary services and materials under par. (b) ~~and for nonprescription drugs under par. (bc).~~

SECTION 1436. 49.45 (6m) (bc) of the statutes is created to read:

49.45 (6m) (bc) The department may include charges for nonprescription drugs approved by the department as an adjustment to the rate determined under par. (av).

SECTION 1437. 49.45 (6m) (bp) of the statutes is amended to read:

49.45 (6m) (bp) Notwithstanding pars. (ag) ~~3 and 4~~ 3m, (am) ~~5~~ 6 and (ar) ~~5~~ 6, the department may establish payment methods based on actual costs for capital payment for a facility that, after December 31, 1982, was constructed, was purchased or incurred annual remodeling costs of more than \$600,000.

SECTION 1438. 49.45 (6m) (br) 1 of the statutes is amended to read:

49.45 (6m) (br) 1. Notwithstanding s. 20.435 (4) ~~(7)~~ (b), (cd), (de) or (eb), the department shall reduce allocations of funds to counties in the amount of the disallowance from the appropriations under s. 20.435 (4) ~~(7)~~ (b), (cd), (de) or (eb) in accordance with s. 16.544 to the extent applicable.

SECTION 1439. 49.45 (6m) (c) 1 of the statutes is amended to read:

49.45 (6m) (c) 1. Meet the staffing standard requirements for direct care costs including the supplement ~~contained, if any, made~~ under par. (ar) 1. c, ~~for which payment is made, and to maintain such records as prescribed by the department to document that such level of care was actually provided.~~

SECTION 1440. 49.45 (6m) (d) 5 of the statutes is created to read:

49.45 (6m) (d) 5. Beginning October 1, 1989, deny payment to a facility for a patient who is admitted to the facility after the department has provided newspaper notice and notice under s. 50.03 (2m) (b) that the facility violates 42 USC 1396 to 1396s and before the date, if any, that the department determines that the facility is in substantial compliance with 42 USC 1396 to 1396s.

SECTION 1441. 49.45 (6m) (j) of the statutes is created to read:

49.45 (6m) (j) The department may develop a separate rate of payment, under this subsection, for persons requiring intense skilled nursing care, as defined by the department.

SECTION 1442. 49.45 (6m) (k) of the statutes is created to read:

49.45 (6m) (k) Notwithstanding pars. (ag) to (b), (bp) and (br), the department may participate in a demonstration project on case mix nursing home reimbursement authorized under 42 USC 1315 (a) and may modify the payment system under this section, on an experimental basis, as necessary for participation in the demonstration project.

SECTION 1443m. 49.45 (6u) (intro.) of the statutes, as affected by 1989 Wisconsin Act 6, is repealed and recreated to read:

49.45 (6u) (intro.) Except as provided in par. (g), from the appropriation under s. 20.435 (1) (o), for reduction of operating deficits, as defined under criteria developed by the department, incurred by a facility, as defined under sub. (6m) (a) 2, that is established under s. 49.14 (1) or that is owned and operated by a city or village, the department shall allocate \$3,715,000 in fiscal year 1989-90 and \$3,715,000 in fiscal year 1990-91 to these facilities and up to \$4,000,000 in fiscal year 1989-90 and up to \$4,000,000 in fiscal year 1990-91, as determined by the department, and shall perform all of the following:

SECTION 1443n. 49.45 (6v) of the statutes is created to read:

Vetoed
in Part

49.45 (6v) FACILITY DEFICIT GRANT PROGRAM. (a) In this subsection, "facility" means a nursing home, as defined under s. 50.01 (3), or a community-based residential facility that is licensed under s. 50.01 (3), that is certified by the department as a provider of medical assistance and that is established under s. 49.14 (1) or is owned and operated by a city or village.

(b) Notwithstanding sub. (6u), from the appropriation under s. 20.435 (1) (o), the department shall allocate up to \$719,500 in each of fiscal years 1989-90 and 1990-91 and from the appropriation under s. 20.435 (1) (c), the department shall allocate up to \$500,000 in each of fiscal years 1989-90 and 1990-91 to provide grants to applying facilities for the reduction of operating deficits, as defined under criteria developed by the department, incurred by facilities.

(c) The department shall develop and implement procedures and criteria for awarding grants under par. (b).

(d) A facility is eligible to receive a grant under par. (b) if the department determines that the facility meets all of the following criteria:

1. Has an operating deficit directly related to patient care.

2. Of the facility's residents, at least 80% are recipients of medical assistance.

3. Has demonstrated efforts to contain costs.

(e) If a facility that is otherwise eligible for an allocation of funds under this subsection is found by the federal health care financing administration or the department to be an institution for mental diseases, as defined under 42 CFR 435.1009, the department may not allocate to that facility funds under this subsection after the date on which the finding is made.

(f) If the federal department of health and human services disallows use of the allocation of matching federal medical assistance funds under applicable federal acts or programs for grants for the reduction of operation deficits under par. (b), the department may not require reimbursement from a facility awarded a grant under par. (b) of any funds received by the facility under this subsection.

SECTION 1444. 49.45 (7) (a) of the statutes is amended to read:

49.45 (7) (a) A recipient who is a patient in a public medical institution or an accommodated person and has a monthly income exceeding the payment rates established under 42 USC 1382 (e) may retain \$40 unearned income per month for personal needs. The Except as provided in s. 49.455 (4) (a), the recipient shall apply income in excess of \$40, less any amount deducted under rules promulgated by the department, toward the cost of care in the facility.

SECTION 1445. 49.45 (9) of the statutes is amended to read:

49.45 (9) FREE CHOICE. Any person eligible for medical assistance under ss. 49.46, 49.468 and 49.47 may use the physician, chiropractor, dentist, pharmacist, hospital, skilled nursing home, health maintenance organization, limited service health organization, preferred provider plan or other licensed, registered or certified provider of health care of his or her choice, except that free choice of a provider may be limited by the department if the department's alternate arrangements are economical and the recipient has reasonable access to health care of adequate quality. The department may also require a recipient to designate, in any or all categories of health care providers, a primary health care provider of his or her choice. After such a designation is made, the recipient may not receive services from other health care providers in the same category as the primary health care provider unless such service is rendered in an emergency or through written referral by the pri-

Vetoed
in Part

mary health care provider. Alternate designations by the recipient may be made in accordance with guidelines established by the department. Nothing in this subsection shall vitiate the legal responsibility of the physician, chiropractor, dentist, pharmacist, skilled nursing home, hospital, health maintenance organization, limited service health organization, preferred provider plan or other licensed, registered or certified provider of health care to patients. All contract and tort relationships with patients shall remain, notwithstanding a written referral under this section, as though dealings are direct between the physician, chiropractor, dentist, pharmacist, skilled nursing home, hospital, health maintenance organization, limited service health organization, preferred provider plan or other licensed, registered or certified provider of health care and the patient. No physician, chiropractor, pharmacist or dentist may be required to practice exclusively in the medical assistance program.

SECTION 1446. 49.45 (17) of the statutes is repealed and recreated to read:

49.45 (17) DIVESTMENT. (a) In this subsection:

1. "Institutionalized individual" has the meaning given in 42 USC 1396p (c) (3).
2. "Resources" has the meaning given in 42 USC 1396p (c) (5).

(b) Except as provided in par. (d), all of the following are ineligible under medical assistance for nursing facility services, for a level of care in a medical institution equivalent to that of a nursing facility and for services under a waiver under 42 USC 1396n for the period beginning with the month in which the resources were transferred:

1. An institutionalized individual who is a recipient of medical assistance on the date that he or she is institutionalized and who, during the 30 months immediately before the date that the individual becomes an institutionalized individual or at any time thereafter, disposes of resources for less than fair market value.

2. An institutionalized individual who, during the 30 months immediately before the date that he or she applies for medical assistance or at any time thereafter, disposes of resources for less than fair market value.

(c) The number of months in the period of ineligibility under par. (b) equals the lesser of the following:

1. Thirty months.
2. The number of months equal to the total uncompensated value of the transferred resources divided by the average monthly cost to a private patient of nursing facility services in this state at the time of application.

(d) Paragraphs (b) and (c) do not apply to transfers of resources exempt under 42 USC 1396p (c) (2) or if the department determines that application of pars. (b) and (c) would work an undue hardship. The department shall promulgate rules concerning the transfer of resources exempt under 42 USC 1396p (c) (2).

SECTION 1447. 49.45 (18) (intro.) of the statutes is amended to read:

49.45 (18) RECIPIENT COST SHARING. (intro.) Except as provided in pars. (a) to (d), any person eligible for medical assistance under s. 49.46, 49.468 or 49.47 shall pay up to the maximum amounts allowable under 42 CFR 447.53 to 447.58 for purchases of services provided under s. 49.46 (2). The service provider shall collect the allowable copayment, coinsurance or deductible. The department shall reduce payments to each provider by the amount of the allowable copayment, coinsurance or deductible. No provider may deny care or services because the recipient is unable to share costs, but an inability to share costs specified in this subsection does not relieve the recipient of liability for these costs. Liability under this subsection is limited by the following provisions:

SECTION 1448. 49.45 (19) (c) of the statutes is created to read:

49.45 (19) (c) If the mother of a child was enrolled in a health maintenance organization or other prepaid health care plan under medical assistance at the time of the child's birth, birth expenses that may be recovered by the state under this subsection are the birth expenses incurred by the health maintenance organization or other prepaid health care plan.

SECTION 1449. 49.45 (24m) (a) of the statutes is amended to read:

49.45 (24m) (a) By ~~January 1, 1988~~ September 1, 1990, select a county in this state and solicit bids from providers of home health care and personal care services in that county for the provision, on a contractual basis, of home health and personal care services authorized under ss. 49.46 (2) (a) 4. d and (b) 6. j and 49.47 (6) (a) 1.

SECTION 1450. 49.45 (25) (d) of the statutes is created to read:

49.45 (25) (d) This subsection does not apply to case management services provided under sub. (15) or s. 49.46 (2) (a) 2 or through a community support program under s. 49.46 (2) (b) 6. L.

SECTION 1451. 49.45 (30) of the statutes is created to read:

49.45 (30) SERVICES PROVIDED BY COMMUNITY SUPPORT PROGRAMS. (a) A county shall provide the portion of the cost of services under s. 49.46 (2) (b) 6. L that is not provided by the federal government.

(b) The department shall reimburse a provider of services under s. 49.46 (2) (b) 6. L only for the amount of the allowable charges for those services that is provided by the federal government.

SECTION 1452. 49.45 (31) of the statutes is created to read:

49.45 (31) ELIGIBILITY FOR LONG-TERM CARE INSURANCE BENEFICIARIES. The department shall seek federal approval of, and federal financial participation in, a pilot project under which a person who is the beneficiary of a long-term care insurance policy that satisfies criteria established by the department may become eli-

gible for medical assistance while exceeding the usual medical assistance resource limits.

SECTION 1452g. 49.45 (32) of the statutes is created to read:

49.45 (32) COMMUNITY CARE FOR THE ELDERLY. The department may request a waiver under 42 USC 1315 to permit the establishment of a community care for the elderly demonstration project to provide medical care, case management services, adult day care and other support services that promote independence and enhance the quality of life of frail elderly persons. If the waiver is approved, the department may establish the community care for the elderly demonstration project and pay a fixed per person fee for the services.

SECTION 1453. 49.455 of the statutes is created to read:

49.455 Protection of income and resources of couple for maintenance of community spouse. (1) DEFINITIONS. In this section:

(a) "Community spouse" means an individual who is married to an institutionalized spouse.

(b) "Consumer price index" means the consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor.

(c) "Family member" means a minor or dependent child, dependent parent or dependent sibling of an institutionalized or community spouse who resides with the community spouse.

(d) "Institutionalized spouse" means either an individual who is in a medical institution or nursing facility and is married to an individual who is not in a medical institution or nursing facility or an individual who receives services under a waiver under 42 USC 1396n (c) or (d) and is married to an individual who is not in a medical institution or nursing facility and does not receive services under a waiver under 42 USC 1396n (c) or (d).

(e) "Resources" does not include items excluded under 42 USC 1382b (a) or (d) or items that would be excluded under 42 USC 1382b (a) (2) (A) but for the limitation on total value established under that provision.

(2) APPLICABILITY. The department shall use the provisions of this section in determining the eligibility for medical assistance under s. 49.46 or 49.47 and the required contribution toward care of an institutionalized spouse.

(3) ATTRIBUTION OF INCOME. (a) Except as provided in par. (b), no income of a spouse is considered to be available to the other spouse during any month in which that other spouse is an institutionalized spouse.

(b) Notwithstanding ch. 766, after an institutionalized spouse is determined to be eligible for medical assistance the following criteria apply in determining the income of an institutionalized spouse or a community spouse:

1. Except as determined under subd. 2 or 3, unless the instrument providing the income specifically provides otherwise:

a. Income paid solely in the name of one spouse is considered to be available only to that spouse.

b. Income paid in the names of both spouses is considered to be available one-half to each spouse.

c. Income paid in the name of either or both spouses and to one or more other persons is considered to be available to each spouse in proportion to the spouse's interest or, if payment is made to both spouses and each spouse's individual interest is not specified, one-half of the joint interest is considered to be available to each spouse.

2. Except as provided in subd. 3, if there is no trust or other instrument establishing ownership, income received by a couple is considered to be available one-half to each spouse.

3. Subdivisions 1 and 2 do not apply to income other than income from a trust if the institutionalized spouse establishes, by a preponderance of the evidence, that the ownership interests in the income are other than as provided in subds. 1 and 2.

(4) PROTECTING INCOME FOR COMMUNITY SPOUSE. (a) After an institutionalized spouse is determined to be eligible for medical assistance, in determining the amount of that institutionalized spouse's income that must be applied monthly to payment for the costs of care in the institution, the department shall deduct the following amounts in the following order from the institutionalized spouse's income:

1. The personal needs allowance under s. 49.45 (7) (a).

2. The community spouse monthly income allowance calculated under par. (b) or the amount of income of the institutionalized spouse that is actually made available to, or for the benefit of, the community spouse, whichever is less.

3. A family allowance for each family member equal to one-third of the amount by which the family member's monthly income is exceeded by the following:

a. Beginning on September 30, 1989, and ending on June 30, 1991, 122% of one-twelfth of the poverty line.

b. Beginning on July 1, 1991, and ending on June 30, 1992, 133% of one-twelfth of the poverty line.

c. Beginning on July 1, 1992, 150% of one-twelfth of the poverty line.

4. The amount incurred as expenses for medical or remedial care for the institutionalized spouse.

(b) The community spouse monthly income allowance equals the greater of the following:

1. The minimum monthly maintenance needs allowance determined under par. (c) or the amount determined at a fair hearing under sub. (8) (c), if such an amount has been determined, minus the amount of

monthly income otherwise available to the community spouse.

2. The amount of monthly support which a court orders the institutionalized spouse to pay for the support of the community spouse.

(c) The minimum monthly maintenance needs allowance is \$1,500 in 1989. For a calendar year after 1989, the minimum monthly maintenance needs allowance is \$1,500 increased by the same percentage as the percentage increase in the consumer price index between September 1988 and September of the year before the calendar year involved.

(5) RULES FOR TREATMENT OF RESOURCES. (a) 1. The department shall determine the total value of the ownership interest of the institutionalized spouse plus the ownership interest of the community spouse in resources as of the beginning of a continuous period of institutionalization. The spousal share of resources equals one-half of that total value.

2. At the beginning of a continuous period of institutionalization, upon the request of an institutionalized spouse or a community spouse and the receipt of necessary documentation, the department shall assess and document the total value of resources under subd. 1 and shall provide a copy of the assessment and documentation to each spouse and retain a copy for departmental use. If the request is not part of an application for medical assistance, the department may charge a fee not exceeding the reasonable expenses of providing and documenting the assessment. When the department provides a copy of an assessment, it shall provide notice of the right to a fair hearing under sub. (8).

(b) Notwithstanding ch. 766, in determining the resources of an institutionalized spouse at the time of application for medical assistance, the amount of resources considered to be available to the institutionalized spouse equals the value of all of the resources held by either or both spouses minus the greatest of the amounts determined under sub. (6) (b) 1 to 4:

(c) The amount of resources determined under par. (b) to be available for the cost of care does not cause an institutionalized spouse to be ineligible for medical assistance, if any of the following applies:

1. The institutionalized spouse has assigned to the state any rights to support from the community spouse.

2. The institutionalized spouse lacks the ability to execute an assignment under subd. 1 due to a physical or mental impairment but the state has the right to bring a support proceeding against the community spouse without an assignment.

3. The department determines that denial of eligibility would work an undue hardship.

(d) During a continuous period of institutionalization, after an institutionalized spouse is determined to be eligible for medical assistance, no resources of the community spouse are considered to be available to the institutionalized spouse.

(6) PERMITTING TRANSFER OF RESOURCES TO COMMUNITY SPOUSE. (a) Notwithstanding s. 49.45 (17), an institutionalized spouse may transfer an amount of resources equal to the community spouse resource allowance determined under par. (b) to, or for the sole benefit of, the community spouse. The institutionalized spouse shall make the transfer as soon as practicable after the initial determination of eligibility for medical assistance, taking into account the amount of time that is necessary to obtain a court order under par. (c).

(b) The community spouse resource allowance equals the amount by which the amount of resources otherwise available to the community spouse is exceeded by the greatest of the following:

1. In 1989, \$15,000; in a calendar year after 1989, \$15,000 increased by the same percentage as the percentage increase in the consumer price index between September 1988 and September of the year before the calendar year involved.

2. The lesser of the following:

a. The spousal share computed under sub. (5) (a) 1.

b. In 1989, \$60,000; in a calendar year after 1989, \$60,000 increased by the same percentage as the percentage increase in the consumer price index between September 1988 and September of the year before the calendar year involved.

3. The amount established in a fair hearing under sub. (8) (d).

4. The amount transferred under a court order under par. (c).

(c) If a court has entered a support order against a community spouse, s. 49.45 (17) does not apply to resources transferred under the order for the support of the community spouse or a family member.

(7) NOTICE. The department shall notify both spouses upon a determination of medical assistance eligibility of an institutionalized spouse, or shall notify the spouse making the request upon a request by either an institutionalized spouse or a community spouse, of all of the following:

(a) The amount of the community spouse monthly income allowance calculated under sub. (4) (b).

(b) The amount of any family allowances under sub. (4) (a) 3.

(c) The method for computing the amount of the community spouse resource allowance under sub. (6) (b).

(d) The spouse's right to a fair hearing under sub. (8) concerning ownership or availability of income or resources and the determination of the community spouse monthly income or resource allowance.

(8) FAIR HEARING. (a) An institutionalized spouse or a community spouse is entitled to a departmental fair hearing concerning any of the following:

1. The determination of the community spouse monthly income allowance under sub. (4) (b).

2. The determination of the amount of monthly income otherwise available to the community spouse used in the calculation under sub. (4) (b).

3. The computation of the spousal share of resources under sub. (5) (a) 1.

4. The attribution of resources under sub. (5) (b).

5. The determination of the community spouse resource allowance under sub. (6) (b).

(b) If the institutionalized spouse has made an application for medical assistance, and a fair hearing is requested under par. (a) concerning the determination of community spouse resource allowance, the department shall hold the hearing within 30 days after the request.

(c) If either spouse establishes at a fair hearing that, due to exceptional circumstances resulting in financial duress, the community spouse needs income above the level provided by the minimum monthly maintenance needs allowance determined under sub. (4) (c), the department shall determine an amount adequate to provide for the community spouse's needs and use that amount in place of the minimum monthly maintenance needs allowance in determining the community spouse monthly income allowance under sub. (4) (b).

(d) If either spouse establishes at a fair hearing that the community spouse resource allowance determined under sub. (6) (b) without a fair hearing does not generate enough income to raise the community spouse's income to the minimum monthly maintenance needs allowance under sub. (4) (c), the department shall establish an amount to be used under sub. (6) (b) 3 that results in a community spouse resource allowance that generates enough income to raise the community spouse's income to the minimum monthly maintenance needs allowance under sub. (4) (c).

SECTION 1454d. 49.46 (1) (a) 6 to 8 of the statutes, as created by 1987 Wisconsin Act 413, are repealed.

SECTION 1454f. 49.46 (1) (a) 9 of the statutes is created to read:

49.46 (1) (a) 9. Any pregnant woman not described under subd. 1 or 1m whose family income does not exceed 100% of the poverty line for a family the size of the woman's family and who meets the limitation under par. (i).

SECTION 1454h. 49.46 (1) (a) 10 of the statutes is created to read:

49.46 (1) (a) 10. Any child not described under subd. 1 who is under one year of age and whose family income does not exceed 100% of the poverty line for a family the size of the child's family and who meets the limitation under par. (i).

SECTION 1454i. 49.46 (1) (c) of the statutes is repealed and recreated to read:

49.46 (1) (c) Except as provided under par. (co), a family that becomes ineligible for aid to families with dependent children under s. 49.19 because of

increased income from employment or increased hours of employment or because of the expiration of the time during which the disregards under s. 49.19 (5) (a) 4 or 4m or (am) apply shall receive medical assistance for:

1. Six calendar months following the month in which the family becomes ineligible for aid to families with dependent children if all of the following apply:

a. The family is eligible for aid to families with dependent children for at least 3 of the 6 months immediately preceding the month in which the family becomes ineligible.

b. The family continues to include a child who is, or would be if needy, a dependent child under s. 49.19.

c. The family complies with reporting requirements established by the department by rule.

2. Six calendar months following the 6 months under subd. 1 if all of the following apply:

a. The family chooses to continue to receive medical assistance.

b. The family continues to include a child who is, or would be if needy, a dependent child under s. 49.19.

c. The family complies with reporting requirements established by the department by rule.

d. The caretaker relative has earnings in each month of the period unless the caretaker lacks earnings because of illness, involuntary loss of employment or other good cause as determined by the department.

e. The family's average gross monthly earnings, less the cost of child care necessary for the employment of the caretaker relative, during the immediately preceding 3-month period do not exceed 185% of the poverty line for a family the size of the family.

SECTION 1454j. 49.46 (1) (cm) of the statutes is repealed.

SECTION 1454k. 49.46 (1) (co) 2 of the statutes is amended to read:

49.46 (1) (co) 2. If a waiver under subd. 3 is granted, the department may select individuals to receive medical assistance benefits as provided under par. (c) ~~or (em)~~, rather than under subd. 1, as a control group for part or all of the period during which the waiver is in effect.

SECTION 1454km. 49.46 (1) (em) to (h) of the statutes, as created by 1987 Wisconsin Act 413, are repealed.

SECTION 1454L. 49.46 (1) (i) of the statutes is created to read:

49.46 (1) (i) 1. In this paragraph, "available assets" means all of the following:

- a. Cash.
- b. Checking accounts.
- c. Savings accounts.
- d. Stocks.
- e. Bonds.

f. Certificates of deposit, less any penalties for early withdrawal.

2. An individual who satisfies the criteria under par. (a) 9 or 10 is eligible for benefits under this section if the value of his or her family's available assets does not exceed \$4,300.

SECTION 1454n. 49.46 (1) (j) of the statutes is created to read:

49.46 (1) (j) An individual determined to be eligible for benefits under par. (a) 9 remains eligible for benefits under par. (a) 9 for the balance of the pregnancy and to the last day of the month in which the 60th day after the last day of the pregnancy falls without regard to any change in the individual's family income.

SECTION 1454p. 49.46 (1) (k) of the statutes is created to read:

49.46 (1) (k) If a child eligible for benefits under par. (a) 10 is receiving inpatient services covered under sub. (2) on the day before the birthday on which the child attains the age of one and, but for attaining that age, the child would remain eligible for benefits under par. (a) 10, the child remains eligible for benefits until the end of the stay for which the inpatient services are furnished.

SECTION 1454r. 49.46 (1) (L) of the statutes is created to read:

49.46 (1) (L) For the purposes of par. (a) 9 and 10, "income" includes income that would be used in determining eligibility for aid to families with dependent children under s. 49.19, except to the extent that that determination is inconsistent with 42 USC 1396a (a) 17, and excludes income that would be excluded in determining eligibility for aid to families with dependent children under s. 49.19.

SECTION 1454t. 49.46 (2) (a) (intro.) of the statutes, as affected by 1987 Wisconsin Act 413, is repealed and recreated to read:

49.46 (2) (a) (intro.) Except as provided in par. (be), the department shall audit and pay allowable charges to certified providers for medical assistance on behalf of recipients for the following federally mandated benefits:

SECTION 1455. 49.46 (2) (a) 4. c of the statutes is amended to read:

49.46 (2) (a) 4. c. Skilled nursing home services other than in an institution for mental diseases, except as limited under s. 49.45 (6c).

SECTION 1455g. 49.46 (2) (a) 4. d of the statutes is amended to read:

49.46 (2) (a) 4. d. Home health services, including supervisory visits by registered nurses, or nursing services if a home health agency is unavailable.

SECTION 1456. 49.46 (2) (a) 5 of the statutes is amended to read:

49.46 (2) (a) 5. Hospice care, as provided under par. (g). This subdivision does not apply beginning on July 1, 1988, and ending on July, ~~1989~~ 1991.

SECTION 1456m. 49.46 (2) (b) (intro.) of the statutes, as affected by 1987 Wisconsin Act 413, is repealed and recreated to read:

49.46 (2) (b) (intro.) Except as provided in par. (be), the department shall audit and pay allowable charges to certified providers for medical assistance on behalf of recipients for the following services:

SECTION 1456p. 49.46 (2) (b) 3 of the statutes is amended to read:

49.46 (2) (b) 3. Transportation by emergency medical vehicle to obtain emergency medical care, transportation by specialized medical vehicle to obtain medical care including the unloaded travel of the specialized medical vehicle necessary to provide that transportation or, if authorized in advance by the county department under s. 46.215 or 46.22, transportation by common carrier or private motor vehicle to obtain medical care.

SECTION 1456t. 49.46 (2) (b) 6. k of the statutes, as created by 1987 Wisconsin Act 399, is amended to read:

49.46 (2) (b) 6. k. Alcohol and other drug abuse day treatment services; if the plan under s. 49.45 (26) is implemented. This subd. 6. k does not apply after June 30, ~~1990~~ 1991, or the day after publication of the 1991-93 biennial budget act, whichever is later.

SECTION 1457. 49.46 (2) (b) 6. L of the statutes is created to read:

49.46 (2) (b) 6. L. Mental health and psychosocial rehabilitative services, including case management services, provided by the staff of a community support program certified under s. 49.45 (2) (a) '1.

SECTION 1457c. 49.46 (2) (b) 6. m of the statutes is created to read:

49.46 (2) (b) 6. m. Respiratory care services for ventilator-dependent individuals.

SECTION 1458. 49.46 (2) (b) 10 of the statutes is amended to read:

49.46 (2) (b) 10. Hospice care as defined in 42 USC 1396d (o) (1). No person may receive benefits under this subdivision after July 31, ~~1989~~ 1991, unless that person receives benefits under this subdivision on July 31, ~~1989~~ 1991.

SECTION 1458g. 49.46 (2) (be) of the statutes is created to read:

49.46 (2) (be) Benefits for an individual eligible under sub. (1) (a) 9 are limited to those services under par. (a) or (b) that are related to pregnancy, including postpartum and family planning services, or related to other conditions which may complicate pregnancy.

SECTION 1458r. 49.46 (2) (bm) of the statutes, as created by 1987 Wisconsin Act 413, is repealed.

SECTION 1459. 49.46 (2) (c) of the statutes is repealed and recreated to read:

49.46 (2) (c) 1. In this paragraph:

a. "Entitled to coverage under part A of medicare" means eligible for and enrolled in part A of medicare under 42 USC 1395c to 1395f.

b. Entitled to coverage under part B of medicare" means eligible for and enrolled in part B of medicare under 42 USC 1395j to 1395L.

c. "Institutionalized" means in a medical institution or nursing facility.

2. For an individual who is entitled to coverage under part A of medicare, entitled to coverage under part B of medicare, meets the eligibility criteria under sub. (1) and meets the limitation on income under subd. 6, medical assistance shall include payment of the deductible and coinsurance portions of medicare services under 42 USC 1395 to 1395zz which are not paid under 42 USC 1395 to 1395zz, including those medicare services that are not included in the approved state plan for services under 42 USC 1396; the monthly premiums payable under 42 USC 1395v; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the late enrollment penalty, if applicable, for premiums under part A of medicare. Payment of coinsurance for a service under part B of medicare under 42 USC 1395j to 1395w may not exceed the allowable charge for the service under medical assistance minus the medicare payment.

3. For an individual who is only entitled to coverage under part A of medicare, meets the eligibility criteria under sub. (1) and meets the limitation on income under subd. 6, medical assistance shall include payment of the deductible and coinsurance portions of medicare services under 42 USC 1395 to 1395i which are not paid under 42 USC 1395 to 1395i, including those medicare services that are not included in the approved state plan for services under 42 USC 1396; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the late enrollment penalty, if applicable, for premiums under part A of medicare.

4. For an institutionalized individual who is entitled to coverage under part A of medicare, entitled to coverage under part B of medicare and meets the eligibility criteria for medical assistance under sub. (1), but does not meet the limitation on income under subd. 6, medical assistance shall include payment of the deductible and coinsurance portions of medicare services under 42 USC 1395 to 1395zz which are not paid under 42 USC 1395 to 1395zz. Payment of coinsurance for a service under part B of medicare under 42 USC 1395j to 1395w may not exceed the allowable charge for the service under medical assistance minus the medicare payment.

5. For an institutionalized individual who is only entitled to coverage under part A of medicare and meets the eligibility criteria for medical assistance under sub. (1), but does not meet the limitation on income under subd. 6, medical assistance shall include payment of the deductible and coinsurance portions of medicare services under 42 USC 1395 to 1395i which are not paid under 42 USC 1395 to 1395i.

6. The income limitation under this paragraph is income that is equal to or less than 100% of the poverty line, as established under 42 USC 9902 (2).

SECTION 1460. 49.46 (2) (g) of the statutes is amended to read:

49.46 (2) (g) The department shall pay for hospice care provided to a medical assistance beneficiary who resides in a skilled nursing facility or an intermediate care facility, is entitled to medicare part A benefits, under 42 USC 1395c to 1395i-2, and is terminally ill. This paragraph does not apply beginning on July 1, 1988, and ending on July 31, 1989 1991.

SECTION 1460p. 49.465 (2) (intro.) of the statutes, as affected by 1987 Wisconsin Act 413, is repealed and recreated to read:

49.465 (2) (intro.) A pregnant woman is eligible for medical assistance benefits, as provided under sub. (3), during the period beginning on the day on which a qualified provider determines, on the basis of preliminary information, that the woman's family income does not exceed the highest level for eligibility for benefits under s. 49.46 (1) or 49.47 (4) (am) or (c) 1 and ending on the earliest of the following:

SECTION 1462. 49.468 of the statutes is created to read:

49.468 Expanded medicare buy-in. (1) In this section:

(a) "Disabled" means blind, as defined under 42 USC 1382c (a) (2) and disabled, as defined under 42 USC 1382c (a) (3).

(b) "Elderly" means 65 years of age or older.

(c) "Entitled to coverage under part A of medicare" means eligible for and enrolled in part A of medicare under 42 USC 1395c to 1395f.

(d) "Entitled to coverage under part B of medicare" means eligible for and enrolled in part B of medicare under 42 USC 1395j to 1395L.

(2) For an elderly or disabled individual who is entitled to coverage under part A of medicare, entitled to coverage under part B of medicare and who does not meet the eligibility criteria for medical assistance under s. 49.46 (1), 49.465 or 49.47 (4) but meets the limitations on income and resources under sub. (4), medical assistance shall pay the deductible and coinsurance portions of medicare services under 42 USC 1395 to 1395zz which are not paid under 42 USC 1395 to 1395zz, including those medicare services that are not included in the approved state plan for services under 42 USC 1396; the monthly premiums payable under 42 USC 1395v; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the late enrollment penalty, if applicable, for premiums under part A of medicare. Payment of coinsurance for a service under part B of medicare under 42 USC 1395j to 1395w may not exceed the allowable charge for the service under medical assistance minus the medicare payment.

(3) For an elderly or disabled individual who is only entitled to coverage under part A of medicare and who does not meet the eligibility criteria for medical assistance under s. 49.46 (1), 49.465 or 49.47 (4) but meets the limitations on income and resources under sub. (4), medical assistance shall pay the deductible and coinsurance portions of medicare services under 42 USC 1395 to 1395i which are not paid under 42 USC 1395 to 1395i, including those medicare services that are not included in the approved state plan for services under 42 USC 1396; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the late enrollment penalty for premiums under part A of medicare, if applicable.

(4) Benefits under sub. (2) or (3) are available for an individual who has resources that are equal to or less than 200% of the allowable resources as determined under 42 USC 1381 to 1385 and income that is equal to or less than 100% of the poverty line, as established under 42 USC 9902 (2).

SECTION 1462k. 49.47 (4) (am) (intro.) of the statutes is amended to read:

49.47 (4) (am) (intro.) An individual who does not meet the limitation on income in par. (c) is eligible for medical assistance under this section if the individual ~~meets the limitation under par. (bm) 2 and~~ is one of the following:

SECTION 1463g. 49.47 (4) (am) 1 of the statutes is amended to read:

49.47 (4) (am) 1. A pregnant woman whose family income does not exceed ~~120%~~ 130% of the poverty line for a family the size of the woman's family.

SECTION 1463gc. 49.47 (4) (am) 1 of the statutes, as affected by 1989 Wisconsin Act (this act), is amended to read:

49.47 (4) (am) 1. A pregnant woman whose family income does not exceed ~~130%~~ 135% of the poverty line for a family the size of the woman's family.

SECTION 1463i. 49.47 (4) (am) 2 of the statutes is amended to read:

49.47 (4) (am) 2. A child who is under one year of age and whose family income does not exceed ~~120%~~ 130% of the poverty line for a family the size of the child's family.

SECTION 1463ic. 49.47 (4) (am) 2 of the statutes, as affected by 1989 Wisconsin Act (this act), is amended to read:

49.47 (4) (am) 2. A child who is under one year of age and whose family income does not exceed ~~130%~~ 135% of the poverty line for a family the size of the child's family.

~~SECTION 1463k. 49.47 (4) (am) 3 of the statutes is created to read:~~

Vetoed in Part 49.47 (4) (am) 3. A child who is at least one year of age but under 3 years of age and whose family income does not exceed ~~100%~~ 100% of the poverty line for a family the size of the child's family.

SECTION 1463km. 49.47 (4) (bm) of the statutes is repealed.

SECTION 1463L. 49.47 (4) (c) 1 of the statutes, as affected by 1987 Wisconsin Act 413, is repealed and recreated to read:

49.47 (4) (c) 1. Except as provided in par. (am) and as limited by subd. 3, eligibility exists if income does not exceed 133 1/3% of the maximum aid to families with dependent children payment under s. 49.19 (11) for the applicant's family size or the combined benefit amount available under supplemental security income under 42 USC 1381 to 1383c and state supplemental aid under s. 49.177 whichever is higher. In this subdivision "income" includes earned or unearned income that would be included in determining eligibility for the individual or family under s. 49.177 or 49.19, or for the aged, blind or disabled under 42 USC 1381 to 1385. "Income" does not include earned or unearned income which would be excluded in determining eligibility for the individual or family under s. 49.177 or 49.19, or for the aged, blind or disabled individual under 42 USC 1381 to 1385.

SECTION 1463m. 49.47 (4) (c) 2 of the statutes, as affected by 1987 Wisconsin Act 413, is repealed and recreated to read:

49.47 (4) (c) 2. Whenever an applicant has excess income under subd. 1 or par. (am), no certification may be issued until the excess income above the applicable limits has been expended for medical care or for any other type of remedial care recognized under state law or for personal health insurance premiums or both.

SECTION 1463n. 49.47 (4) (c) 3 of the statutes, as affected by 1987 Wisconsin Act 413, is repealed and recreated to read:

49.47 (4) (c) 3. Except as provided in par. (am), no person is eligible for medical assistance under this section if the person's income exceeds the maximum income levels that the U.S. department of health and human services sets for federal financial participation under 42 USC 1396b (f).

SECTION 1464b. 49.47 (6) (a) 1 of the statutes is amended to read:

49.47 (6) (a) 1. ~~All~~ Except as provided in subd. 7 or 8, all beneficiaries, for those services enumerated under s. 49.46 (2) (a) and (b) 3 and 6. a to d ~~and~~ h to j and m and, beginning on July 1, 1988, and ending on July 31, ~~1989~~ 1991, under s. 49.46 (2) (b) 10.

SECTION 1465. 49.47 (6) (a) 4 of the statutes is amended to read:

49.47 (6) (a) 4. Beneficiaries described under s. 49.46 (2) (g), for hospice care. This subdivision does not apply beginning on July 1, 1988, and ending on July 31, ~~1989~~ 1991.

SECTION 1466. 49.47 (6) (a) 6 of the statutes is created to read:

49.47 (6) (a) 6. a. In this subdivision: 1) "entitled to coverage under part A of medicare" means eligible for and enrolled in part A of medicare under 42 USC 1395c to 1395f; 2) "entitled to coverage under part B of medicare" means eligible for and enrolled in part B

of medicare under 42 USC 1395j to 1395L; 3) "income limitation" means income that is equal to or less than 100% of the poverty line, as established under 42 USC 9902 (2); and 4) "institutionalized" means in a medical institution or nursing facility.

b. An individual who is entitled to coverage under part A of medicare, entitled to coverage under part B of medicare, meets the eligibility criteria under sub. (4) (a) and meets the income limitation, the deductible and coinsurance portions of medicare services under 42 USC 1395 to 1395zz which are not paid under 42 USC 1395 to 1395zz, including those medicare services that are not included in the approved state plan for services under 42 USC 1396; the monthly premiums payable under 42 USC 1395v; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the late enrollment penalty, if applicable, for premiums under part A of medicare. Payment of coinsurance for a service under part B of medicare under 42 USC 1395j to 1395w may not exceed the allowable charge for the service under medical assistance minus the medicare payment.

c. An individual who is only entitled to coverage under part A of medicare, meets the eligibility criteria under sub. (4) (a) and meets the income limitation, the deductible and coinsurance portions of medicare services under 42 USC 1395 to 1395i which are not paid under 42 USC 1395 to 1395i, including those medicare services that are not included in the approved state plan for services under 42 USC 1396; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the late enrollment penalty, if applicable, for premiums under part A of medicare.

d. An institutionalized individual who is entitled to coverage under part A of medicare, entitled to coverage under part B of medicare and meets the eligibility criteria for medical assistance under sub. (4) (a) but does not meet the income limitation, the deductible and coinsurance portions of medicare services under 42 USC 1395 to 1395zz which are not paid under 42 USC 1395 to 1395zz. Payment of coinsurance for a service under part B of medicare under 42 USC 1395j to 1395w may not exceed the allowable charge for the service under medical assistance minus the medicare payment.

e. An institutionalized individual who is only entitled to coverage under part A of medicare and meets the eligibility criteria for medical assistance under sub. (4) (a), but does not meet the income limitation, the deductible and coinsurance portions of medicare services under 42 USC 1395 to 1395i.

SECTION 1466c. 49.47 (6) (a) 7 of the statutes is created to read:

49.47 (6) (a) 7. Beneficiaries eligible under sub. (4) (a) 2 or (am) 1, for services under s. 49.46 (2) (a) and (b) that are related to pregnancy, including postpartum and family planning services, or related to other conditions which may complicate pregnancy.

SECTION 1466d. 49.47 (6) (a) 8 of the statutes is created to read:

49.47 (6) (a) 8. Beneficiaries eligible under sub. (4) (a) 1, who are under one year of age, or under sub. (4) (am) 2, for all services under s. 49.46 (2) (a) and (b).

SECTION 1466m. 49.486 of the statutes is created to read:

49.486 AZT and pentamidine reimbursement program. (1) DEFINITIONS. In this section:

(a) "AZT" means the drug zidovudine.

(b) "Gross income" means all income, from whatever source derived and in whatever form realized, whether in money, property or services.

(c) "HIV" means any strain of human immunodeficiency virus, which causes acquired immunodeficiency syndrome.

(d) "HIV infection" means the pathological state produced by a human body in response to the presence of HIV.

(e) "Physician" has the meaning specified in s. 448.01 (5).

(f) "Residence" means the concurrence of physical presence with intent to remain in a place of fixed habitation. Physical presence is prima facie evidence of intent to remain.

(g) "Validated test result" means a result of a test for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV that meets the validation requirements determined to be necessary by the state epidemiologist.

(2) REIMBURSEMENT. From the appropriation under s. 20.435 (1) (ar), the department shall administer a program to reimburse or supplement the reimbursement of the cost of AZT and the drug pentamidine for an applying individual who has HIV infection.

(3) ELIGIBILITY. An individual is eligible to receive the reimbursement specified under sub. (2) if he or she meets all of the following criteria:

(a) Has residence in this state.

(b) Has an infection that is certified by a physician to be an HIV infection.

(c) Has a prescription issued by a physician for AZT or for pentamidine.

(d) Has applied for coverage under and has been denied eligibility for medical assistance within 12 months prior to application for reimbursement under sub. (2).

(e) Has no insurance coverage for AZT or the drug pentamidine or, if he or she has insurance coverage, the coverage is inadequate to pay the full cost of the individual's prescribed dosage of AZT or the drug pentamidine.

(f) Is an individual with an annual gross income of \$40,000 or less.

(4) DEPARTMENTAL DUTIES. The department shall determine the eligibility of individuals applying for

reimbursement, or a supplement to the reimbursement, of the costs of AZT or the drug pentamidine and shall, within the limits of sub. (5) and of the funds specified under sub. (2), reimburse or supplement the reimbursement of the eligible individuals.

(5) **REIMBURSEMENT LIMITATION.** Reimbursement may not be made under this section for any portion of the costs of AZT or the drug pentamidine which are payable by an insurer, as defined in s. 600.03 (27).

SECTION 1467. 49.49 (2) (c) 1 of the statutes is amended to read:

49.49 (2) (c) 1. A discount or other reduction in price obtained by a provider of services or other entity under chs. 46 to 51 ~~and 53 to~~ and 58 if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider or entity under a medical assistance program.

SECTION 1468. 49.497 (1) of the statutes is amended to read:

49.497 (1) The department may recover any payment made incorrectly for benefits specified under s. 49.46, 49.468 or 49.47 if the incorrect payment results from any misstatement or omission of fact by a person supplying information in an application for benefits under s. 49.46, 49.468 or 49.47. The department may also recover if a medical assistance recipient or any other person responsible for giving information on the recipient's behalf fails to report the receipt of income or assets in an amount that would have affected the recipient's eligibility for benefits. The department's right of recovery is against any medical assistance recipient to whom or on whose behalf the incorrect payment was made. The extent of recovery is limited to the amount of the benefits incorrectly granted. The county department under s. 46.215 or 46.22 or the governing body of a federally recognized American Indian tribe administering medical assistance shall begin recovery actions on behalf of the department according to rules the department may adopt.

SECTION 1469. 49.497 (2) of the statutes is amended to read:

49.497 (2) A county or governing body of a federally recognized American Indian tribe may retain 15% of state aid distributed under s. 49.46, 49.468 or 49.47 that is recovered under sub. (1) due to the efforts of an employee or officer of the county or tribe.

SECTION 1470. 49.498 of the statutes is created to read:

49.498 Requirements for skilled nursing facilities.
(1) **DEFINITIONS.** In this section:

(a) "Active treatment for developmental disability" means a continuous program for an individual who has a developmental disability that includes aggressive, consistent implementation of specialized and generic training, treatment, health services and related services, that is directed toward the individual's acquiring behaviors necessary for him or her to function with as much self-determination and independence as possible and that is directed toward

preventing or decelerating regression or loss of the individual's current optimal functional status. "Active treatment for developmental disability" does not include services to maintain generally independent individuals with developmental disability who are able to function with little supervision or in the absence of active treatment for developmental disability.

(b) "Active treatment for mental illness" means the implementation of an individualized plan of care for an individual with mental illness that is developed under and supervised by a physician licensed under ch. 448 and other qualified mental health care providers and that prescribes specific therapies and activities for the treatment of the individual while the individual experiences an acute episode of severe mental illness which necessitates supervision by trained mental health care providers.

(c) "Developmental disability" means any of the following:

1. Significantly subaverage general intellectual functioning that is concurrent with an individual's deficits in adaptive behavior and that manifested during the individual's developmental period.

2. A severe, chronic disability that meets all of the conditions for individuals with related conditions as specified in 42 CFR 435.1009.

(d) "Licensed health professional" has the meaning given under 42 USC 1396r (b) (5) (G).

(e) "Managing employee" means a general manager, business manager, administrator, director or other individual who exercises operational or managerial control over, or who directly or indirectly conducts, the operation of the facility.

(f) "Medicare" means coverage under part A or part B of Title XVIII of the federal social security act, 42 USC 1395 to 1395zz.

(g) "Mental illness" has the meaning given under 42 USC 1396r (e) (7) (G) (i).

(h) "Nurse's assistant" has the meaning given for "nurse aide" under 42 USC 1396r (b) (5) (F).

(i) "Nursing facility" has the meaning given under 42 USC 1396r (a).

(j) "Physician" has the meaning given under s. 448.01 (5).

(k) "Psychopharmacologic drugs" means drugs that modify psychological functions and mental states.

(L) "Registered professional nurse" means a registered nurse who is licensed under ch. 441.

(m) "Resident" means an individual who resides in a nursing facility.

(2) **REQUIREMENTS RELATING TO PROVISION OF SERVICES.** (a) 1. A nursing facility shall care for its residents in such a manner and in such an environment as will promote maintenance or enhancement of the quality of life of each resident.

2. A nursing facility shall maintain a quality assessment and assurance committee that consists of the director of nursing services, a physician who is desig-

nated by the nursing facility and at least 3 other members of the nursing facility staff and that shall do all of the following:

a. Meet at least every 3 months to identify issues with respect to which quality assessment and assurance activities are necessary.

b. Develop and implement appropriate plans of action to correct identified quality deficiencies.

(b) A nursing facility shall provide services to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident in accordance with a written plan of care for each resident which:

1. Describes the medical, nursing and psychosocial needs of the resident and how the needs shall be met;

2. Is initially prepared, with participation to the extent practicable of the resident or the resident's family or legal counsel, by a team which includes the resident's attending physician and a registered professional nurse who has responsibility for the resident; and

3. Is periodically reviewed and revised by the team in subd. 2 after the conduct of an assessment under par. (c).

(c) 1. A nursing facility shall conduct a comprehensive, accurate, standardized reproducible assessment of each resident's functional capacity that:

a. Describes the resident's capability to perform daily life functions and significant impairments in the resident's functional capacity.

b. Is based on a uniform minimum data set of core elements and common definitions specified as required under 42 USC 1395i-3 (f) (6) (A).

c. Uses an instrument which shall be specified by the department by rule.

d. Includes identification of the resident's medical problems.

2. A registered professional nurse shall conduct or coordinate with the appropriate participation of health professionals, sign and certify the completion of an assessment under subd. 1. Each individual who completes a portion of the assessment shall sign and certify as to the accuracy of that portion of the assessment.

3. No individual may wilfully and knowingly certify under subd. 2 a material and false statement in an assessment.

4. No individual may wilfully and knowingly cause another individual to certify under subd. 2 a material and false statement in an assessment.

5. If the department determines by survey of a nursing facility or otherwise that an individual has knowingly and willfully certified a false assessment under subd. 2, the department may require that individuals who are independent of the nursing facility and are approved by the department conduct and certify assessments under this paragraph.

6. A nursing facility shall:

a. Conduct an assessment under subd. 1 no later than 4 days after the admission of an individual admitted after September 30, 1990.

b. Conduct all of the assessments under subd. 1 for a resident of the nursing facility by October 1, 1991, for a resident who resides in the facility on that date; promptly after a significant change in a resident's physical or mental condition; and, for every resident, no less often than once every 12 months.

c. Examine a resident no less frequently than once every 3 months and, as appropriate, revise the resident's assessment under subd. 1 to assure the assessment's continuing accuracy.

7. The assessment conducted under subd. 1 shall be used in developing, reviewing and revising a nursing facility resident's plan of care under par. (b).

8. A nursing facility shall coordinate an assessment conducted under this paragraph with the conduct of preadmission screening under s. 49.45 (6c) (b) to the maximum extent practicable in order to avoid duplicative testing and effort.

(d) 1. To the extent needed to fulfill the plans of care required under par. (b), a nursing facility shall provide or arrange for the provision of all of the following, which shall meet professional standards of quality:

a. Nursing services and specialized rehabilitative services to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident.

b. Medically related social services to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident.

c. Pharmaceutical services, including procedures that assure the accurate acquiring, receiving, dispensing and administering of all drugs and biologicals, to meet the needs of each resident.

d. Dietary services that assure that the meals meet the daily nutritional and special dietary needs of each resident.

e. An on-going program, directed by a qualified professional, of activities designed to meet the interests and the physical, mental and psychosocial well-being of each resident.

f. Routine dental services to the extent covered under the approved state medicaid plan and emergency dental services to meet the needs of each resident.

2. Services specified under subd. 1. a to d and f shall be provided to a resident by qualified persons in accordance with the resident's written plan of care under par. (b).

3. Unless waived under subd. 4, a nursing facility shall:

a. Provide 24-hour per day licensed nursing services which are sufficient to meet the nursing needs of its residents; and

b. Shall use the services of a registered professional nurse at least 8 consecutive hours per day, 7 days per week.

4. Subject to subd. 5, the department may waive the requirement under subd. 3. a or b if all of the following apply:

a. The nursing facility demonstrates to the satisfaction of the department that the nursing facility has been unable, despite diligent efforts including offering wages at the community prevailing rate for nursing facilities, to recruit appropriate personnel.

b. The department determines that a waiver of the requirement will not endanger the health or safety of nursing facility residents.

c. The department finds that a registered professional nurse or a physician is obligated to respond immediately to telephone calls from the nursing facility for any periods in which licensed nursing services are not available.

5. A waiver under subd. 4 is subject to annual review by the department and to review by the secretary of the federal department of health and human services. The department may, in granting or reviewing a waiver, require the nursing facility to employ other qualified, licensed personnel.

(e) Except as otherwise provided in s. 146.40, all of the following apply:

1. A nursing facility shall provide, for individuals used as nurse's

assistants by the facility as of July 1, 1989, for a competency evaluation program that is approved by the department under s. 146.40 (3m) and for the preparation necessary for the individual to complete the program by January 1, 1990.

2. A nursing facility may not use the individual as a nurse's assistant unless the nursing facility has inquired of the department concerning information about the individual in the registry under s. 146.40 (4g).

3. A nursing facility shall provide the regular performance review and regular in-service education that assures that individuals used as nurse's assistants are competent to perform services as nurse's assistants, including training for individuals to provide nursing and nursing-related services to nursing facility residents with cognitive impairments.

(f) A nursing facility shall do all of the following:

1. Require that the health care of every nursing facility resident be provided under the supervision of a physician.

2. Provide for the availability of a physician to furnish necessary medical care in case of emergency.

3. Maintain clinical records on all nursing facility residents which include all of the following:

a. Written plans of care, as required under par. (b).

b. Assessments, as required under par. (c).

c. Results of any preadmission screening conducted under s. 49.45 (6c) (b).

(g) A nursing facility with more than 120 beds shall employ full-time at least one social worker with at least a bachelor's degree in social work or similar professional qualifications to provide or assure the provision of social services.

(3) RESIDENT'S RIGHTS; GENERAL RIGHTS. (a) A nursing facility shall protect and promote the rights of each resident, including each of the following rights:

1. The right to choose a personal attending physician, to be fully informed in advance about care and treatment, to be fully informed in advance of any changes in care or treatment that may affect the resident's well-being, and, except with respect to a resident found incompetent under s. 880.33, to participate in planning care and treatment or changes in care and treatment.

2. The right to be free from physical or mental abuse, corporal punishment, involuntary seclusion, and any physical or chemical restraints imposed for the purpose of discipline or convenience and not required to treat the resident's medical symptoms. Restraints may only be imposed:

a. To ensure the physical safety of the resident or other residents; and

b. Upon the written order of a physician that specifies the duration and circumstances under which the restraints are to be used, except in emergency circumstances until the order could reasonably be obtained.

3. The right to privacy with regard to accommodations, medical treatment, written and telephonic communications, visits, and meetings of family and of resident groups, except that this subdivision may not be construed to require provision of a private room.

4. The right to confidentiality of personal and clinical records.

5. The rights:

a. To reside and receive services with reasonable accommodations of individual needs and preferences, except where the health or safety of the individual or other residents would be endangered; and

b. To receive notice before the room or roommate of the resident in the nursing facility is changed.

6. The right to voice grievances with respect to treatment or care that is or is not furnished, without discrimination or reprisal for voicing the grievances, and the right to prompt efforts by the nursing facility to resolve grievances that the resident may have, including those with respect to the behavior of other residents.

7. The right of the resident to organize and participate in resident groups in the nursing facility and the right of the resident's family to meet in the nursing facility with the families of other residents in the nursing facility.

8. The right of the resident to participate in social, religious and community activities that do not interfere with the rights of other residents in the nursing facility.

9. The right to examine, upon reasonable request, the results of the most recent survey of the facility conducted by the federal department of health and human services or the department with respect to the nursing facility and any plan of correction in effect with respect to the nursing facility.

10. Any other right specified in rules that the department shall promulgate in conformity with federal regulations.

(b) Except as provided in par. (c), a nursing facility shall do all of the following:

1. Inform each resident, orally and in writing at the time of admission to the nursing facility, of the resident's legal rights during the stay at the nursing facility, including a description of the protection of personal funds under sub. (8) and a statement that a resident may file a complaint with the department under s. 146.40 (4r) (a) concerning neglect, abuse or misappropriation of property of a resident.

2. Make available to each resident, upon reasonable request, a written statement of the rights specified in subd. 1 which is updated upon changes in nursing rights.

3. Inform each resident who is entitled to medical assistance:

a. At the time of admission to the nursing facility or, if later, at the time the resident becomes eligible for medical assistance, of the items and services that are included in nursing facility services under the approved state medicaid plan and for which the resident may not be charged, except as permitted, and of other items and services that the nursing facility offers and for which the resident may be charged and the amount of the charges for the items and services; and

b. Of changes in the items and services described in subd. 3. a and of changes in the charges imposed for items and services described in subd. 3. a.

4. Inform each other resident, in writing before or at the time of admission and periodically during the resident's stay, of services available in the nursing facility and of related charges for the services, including any charges for services not covered under medicare or by the nursing facility's basic per diem charge.

(c) For a resident who is found incompetent under s. 880.33, the rights of a resident under this subsection devolve upon and, to the extent determined necessary by a court of competent jurisdiction, are exercised by the resident's guardian appointed under s. 880.33.

(d) Psychopharmacologic drugs may be administered to a resident only on the orders of a physician and only as part of a plan included in the written plan of care under par. (b) designed to eliminate or modify the symptoms for which the drugs are prescribed and only if, at least annually, an independent, external consultant reviews the appropriateness of the drug plan of each resident receiving the pharmacologic drugs.

(4) RESIDENT'S RIGHTS; TRANSFER AND DISCHARGE RIGHTS. (a) A nursing facility shall permit a resident to remain in the nursing facility and may not transfer or discharge the resident from the nursing facility unless one of the following applies:

1. The transfer or discharge is necessary to meet the resident's welfare and the resident's welfare cannot be met in the nursing facility, as documented by the resident's physician in the resident's clinical record.

2. The transfer or discharge is appropriate because the resident's health has improved sufficiently so that the resident no longer needs the services provided by the nursing facility, as documented by the resident's physician in the resident's clinical record.

3. The safety of individuals in the nursing facility is endangered, as documented in the resident's clinical record.

4. The health of individuals in the nursing facility would otherwise be endangered, as documented by a physician in the resident's clinical record.

5. The resident has failed, after reasonable and appropriate notice, to pay or have paid on his or her behalf under medical assistance or under medicare for a stay at the nursing facility. If a resident becomes eligible for medical assistance after admission to the nursing facility, only charges that may be imposed under medical assistance may be allowed in enforcement of this subdivision.

6. The nursing facility ceases to operate.

(b) 1. Before effecting a transfer or discharge of a resident a nursing facility shall note in the resident's record and notify the resident and, if known, an immediate family member of the resident or the resident's legal counsel after "counsel" concerning the transfer or discharge and the reasons for it, at least 30 days in advance of the resident's transfer or discharge, except that the nursing facility shall notify as soon as practicable in the circumstances specified in par. (a) 3 or 4; in the circumstance specified in par. (a) 2 in which the resident's health improves sufficiently to permit a more immediate transfer or discharge; in the circumstances specified in par. (a) 1 in which a more immediate transfer or discharge is necessitated by the resident's urgent medical needs; or in the instance in which a resident has resided in the nursing facility fewer than 30 days.

2. Each notice under subd. 1 shall include all of the following:

a. For transfers or discharges effected after September 30, 1990, notice of the resident's right to appeal the transfer or discharge under a mechanism for hearing the appeals that is established by the department by rule.

b. The name, mailing address and telephone number of the board on aging and long-term care under s. 16.009.

c. For a resident with developmental disability or mental illness, the mailing address and telephone

number of the protection and advocacy agency designated under s. 51.62 (2) (a).

(c) A nursing facility shall provide sufficient preparation and orientation to residents to ensure safe and orderly transfer or discharge from the nursing facility.

(d) 1. Before a resident of a nursing facility is transferred for hospitalization or therapeutic leave, a nursing facility shall provide written information to the resident and an immediate family member or legal counsel concerning all of the following:

a. The provisions of the approved state medicaid plan concerning the period, if any, during which the resident is permitted to return and resume residence in the nursing facility.

b. The policies of the nursing facility regarding subd. 1. a, which shall be consistent with subd. 1. a.

2. At the time of a resident's transfer to a hospital for therapeutic leave, a nursing facility shall provide written notice to the resident and an immediate family member or legal counsel of the duration of the period, if any, specified in subd. 1. a.

3. A nursing facility shall establish and follow a written policy under which a resident, who is eligible for medical assistance for nursing facility services, who is transferred from the nursing facility for hospitalization or therapeutic leave and whose hospitalization or therapeutic leave exceeds a period paid for by medical assistance for the resident, shall be permitted to be readmitted to the nursing facility immediately upon the first availability of a bed in a semiprivate room in the nursing facility, if at the time of readmission the resident requires the services provided by the nursing facility.

(5) RESIDENT'S RIGHTS; ACCESS AND VISITATION RIGHTS. A nursing facility shall do all of the following:

(a) Permit immediate access to a resident by the department, by any representative of the secretary of the federal department of health and human services, by a representative of the board on aging and long-term care, by a representative of the protection and advocacy agency designated under s. 51.62 (2) (a) or by the resident's attending physician.

(b) Permit immediate access to a resident by immediate family or other relatives of the resident, subject to the resident's right to deny or withdraw consent at any time.

(c) Permit immediate access to a resident by others who are visiting with the consent of the resident, subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time.

(d) Permit reasonable access to a resident by any entity or individual that provides health, social, legal or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

(e) Permit a representative of the board on aging and long-term care, with the permission of the resident or the resident's legal counsel, and in accordance with s. 16.009 (3) (b), to examine a resident's clinical records.

(6) EQUAL ACCESS TO QUALITY CARE. (a) A nursing facility shall establish and maintain identical policies and practices regarding transfer, discharge and the provision of services required under the approved state medicaid plan for all individuals regardless of payment.

(b) Paragraph (a) may not be construed to prohibit a nursing facility from charging any amount for services furnished, consistent with the notice required under sub. (3) (b) 3.

(c) Paragraph (a) may not be construed to require the department to provide additional services on behalf of a resident than are otherwise provided under the approved state medicaid plan.

(7) ADMISSIONS POLICY. (a) Except as provided in par. (b), with respect to admissions practices of a nursing facility:

1. A nursing facility may not require individuals applying to reside or residing in the facility to waive their rights to benefits under medical assistance or under medicare.

2. A nursing facility may not require oral or written assurance that individuals applying to reside or residing in the nursing facility are ineligible for or will not apply for medical assistance or medicare.

3. A nursing facility shall prominently display written information in the nursing facility and provide oral and written information to individuals applying to reside or residing in the nursing facility concerning how to apply for and use benefits under medical assistance and how to receive refunds for previous payments covered by these benefits.

4. A nursing facility may not require a 3rd-party guarantee of payment to the nursing facility as a condition of admission or expedited admission to or continued stay in the nursing facility.

5. With respect to an individual who is entitled to medical assistance for nursing facility services, a nursing facility may not charge, solicit, accept or receive, in addition to any amount otherwise required to be paid under the approved state medicaid plan, a gift, money, donation or other consideration as a precondition of admitting or expediting the admission of an individual to the nursing facility or as a requirement for the individual's continued stay in the facility.

(b) Paragraph (a) may not be construed to do any of the following:

1. Prevent the department from prohibiting discrimination against individuals who are entitled to medical assistance under the approved state medicaid plan with respect to admissions practices of nursing facilities.

1m. Permit a county, city, town or village to implement nursing facility admissions policies that conflict with state law.

2. Prevent a nursing facility from requiring an individual who has legal access to a resident's income or resources available to pay for care in the nursing facility, to sign a contract, without incurring personal

financial liability, to provide payment from the resident's income or resources for care in the nursing facility.

3. Prevent a nursing facility from charging a resident who is eligible for medical assistance for items or services that the resident has requested and received and that are not included in the approved state medicare plan.

4. Prohibit a nursing facility from soliciting, accepting or receiving a charitable, religious or philanthropic contribution from an organization or from a person who is unrelated to the resident or potential resident, but only to the extent that the contribution is not a condition of admission, expediting admission or continued stay in the nursing facility.

(8) PROTECTION OF RESIDENT FUNDS. (a) A nursing facility:

1. May not require a resident to deposit his or her personal funds with the nursing facility.

2. Upon the written authorization of a resident, shall hold, safeguard and account for the resident's personal funds under a system established and maintained by the nursing facility that is in accordance with par. (b).

(b) Upon written authorization of a resident under par. (a), the nursing facility shall manage and account for the resident's personal funds deposited with the nursing facility as follows:

1. The nursing facility shall deposit any amount of a resident's personal funds in excess of \$50 in an interest-bearing account that is separate from any of the nursing facility's operating accounts and credits all interest earned on the separate account to the account. The nursing facility shall maintain a resident's personal funds that do not exceed \$50 in a noninterest-bearing account or petty cash fund.

2. The nursing facility shall assure a full and complete separate accounting of the personal funds of each resident for whom the facility has written authorization, maintain a written record of all financial transactions involving the personal funds of the resident deposited with the nursing facility and afford the resident or the resident's legal representative with reasonable access to the record.

3. The nursing facility shall notify each resident receiving medical assistance of all of the following:

a. When the amount in the resident's account is \$200 less than the dollar amount permitted under 42 USC 1381 to 1385.

b. That if the amount in the account, in addition to the value of the resident's other nonexempt resources, reaches the amount under 42 USC 1382 (a) (3) (B) the resident may lose eligibility for medical assistance or for supplemental security income benefits.

4. Upon the death of a resident with an account under subd. 1, the nursing facility shall promptly convey the resident's personal funds and a final account-

ing of the funds to the individual administering the resident's estate.

5. The nursing facility shall purchase a surety bond or otherwise provide satisfactory assurance of the security of all personal funds of residents that are deposited with the nursing facility.

6. The nursing facility may not impose a charge against the personal funds of a resident for any item or service for which payment is made by medical assistance or medicare.

(8m) POSTING OF SURVEY RESULTS. A nursing facility shall post in a place that is readily accessible to residents, residents' family members and residents' legal representatives, the results of the most recent survey of the facility conducted under sub. (13).

(9) ADMINISTRATION REQUIREMENTS. (a) A nursing facility shall be administered in a manner that enables it to use its resources effectively and efficiently to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident, consistent with federal regulations.

(b) If a change occurs in any of the following, the nursing facility shall provide notice to the department, at the time of the change, of the change and the identity of each new person or company under the change:

1. The persons with an ownership or control interest in the nursing facility.

2. The persons who are officers, directors, agents or managing employees of the nursing facility.

3. The corporation, association or other company responsible for the management of the nursing facility.

4. The individual who is the administrator or director of the nursing facility.

(c) The administrator of a nursing facility shall meet standards established under 42 USC 1396r (f) (4).

(10) LICENSING REQUIREMENTS. (a) A nursing facility shall be licensed under s. 50.03 (1).

(b) Except as waived under 42 USC 1396r (d) (2) (B) (i) or found under 42 USC 1396r (d) (2) (B) (ii), a nursing facility shall meet the provisions that are applicable to nursing homes of the edition of the life safety code of the national fire protection association specified in federal regulations.

(11) INFECTION CONTROL. A nursing facility shall do all of the following:

(a) Establish and maintain an infection control program designed to provide a safe, sanitary and comfortable environment in which residents reside and to help prevent the development and transmission of disease and infection.

(b) Be designed, constructed, equipped and maintained in a manner so as to protect the health and safety of residents, personnel and the general public.

(12) COMPLIANCE WITH LAWS, REGULATIONS AND PROFESSIONAL STANDARDS. (a) A nursing facility shall operate and provide services in compliance with all

applicable state laws and federal regulations and with accepted professional standards and principles that apply to professionals providing services in the nursing facility.

(b) A nursing facility shall meet requirements relating to the health and safety of residents or relating to physical facilities for the health and safety of residents under regulations promulgated by the federal department of health and human services.

(13) ANNUAL STANDARD SURVEY. A nursing facility is subject to a standard survey under 42 USC 1396r (g) (2) (A) (i). No person may notify a nursing facility or cause a nursing facility to be notified of the time or date on which the survey is scheduled to be conducted.

(14) RULE MAKING. The department shall promulgate all of the following rules:

(a) Establishing a fair mechanism meeting the requirements of 42 USC 1396r (e) (3) and (f) (3) for hearing appeals on transfers and discharges of residents from nursing facilities.

(b) Specifying an instrument for use in performing assessments of residents under sub. (2) (c) 1. c.

(c) Establishing criteria for the denial of payment under s. 49.45 (6m) (d) 5, for the imposition of forfeitures under sub. (16) (b), for the placement of a monitor or appointment of a receiver for a facility under sub. (17) and for closure of a facility under sub. (18) that do all of the following:

1. Are consistent with federal regulations promulgated to interpret 42 USC 1396r.

2. Are designed so as to minimize the time between the identification of violations and final imposition of the penalties.

3. Provide incrementally more severe penalties for repeated or uncorrected deficiencies.

(d) Establishing the percentage of interest to be assessed under sub. (16) (d).

(15) CLASSIFICATION OF VIOLATIONS. (a) A class "1" violation is a violation of this section or of the rules promulgated under this section which creates a condition or occurrence relating to the operation and maintenance of a nursing facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom.

(b) A class "2" violation is a violation of this section or of the rules promulgated under this section which creates a condition or occurrence relating to the operation and maintenance of a nursing facility directly threatening to the health, safety or welfare of a resident.

(c) A class "3" violation is a violation of this section or of the rules promulgated under this section which creates a condition or occurrence relating to the operation and maintenance of a nursing facility which does not directly threaten the health, safety or welfare of a resident.

(d) Each day of violation constitutes a separate violation. The department shall have the burden of showing that a violation existed on each day for which

a forfeiture is assessed. No forfeiture may be assessed for a condition for which the nursing facility has received a variance or waiver of a standard.

(16) FORFEITURES, PENALTY ASSESSMENTS AND INTEREST. (a) Any operator or owner of a nursing facility which is in violation of this section or any rule promulgated under this section may be subject to the following forfeitures:

1. A class "1" violation may be subject to a forfeiture of not more than \$250 for each violation.

2. A class "2" violation may be subject to a forfeiture of not more than \$125 for each violation.

3. A class "3" violation may be subject to a forfeiture of not more than \$60 for each violation.

(b) In determining whether a forfeiture is to be imposed and in fixing the amount of the forfeiture to be imposed, if any, for a violation, factors shall be considered that are established in rules that shall be promulgated by the department consistent with federal regulations promulgated to interpret 42 USC 1396r.

(c) 1. Whenever the department imposes a forfeiture under par. (a) for a violation of this section or the rules promulgated under this section, the department shall in addition levy a penalty assessment in the following amounts.

a. For a class "1" violation, not less than \$5,100 nor more than \$10,000.

b. For a class "2" violation, not less than \$2,600 nor more than \$5,000.

c. For a class "3" violation, not less than \$100 nor more than \$2,500.

2. Notwithstanding subd. 1, whenever the department imposes a forfeiture under par. (a) for the violation of the following, the department shall levy a penalty assessment in the following amounts:

a. For a violation of sub. (2) (c) 3, \$1,000.

b. For a violation of sub. (2) (c) 4, \$5,000.

c. For a violation of sub. (13), \$2,000.

3. If multiple violations are involved, the penalty assessment levied under subd. 1 or 2 shall be based on the total forfeitures for all violations.

(d) If the period of the violation under par. (a) is longer than one day, the penalty assessment shall additionally include interest for each day of the period at a rate established in rules that the department shall promulgate, except that no interest shall be computed for a day in the period between the date on which a request for a hearing, if any, is filed under par. (f) and the date of the conclusion of all administrative and judicial proceedings arising out of the imposition of a forfeiture under par. (a).

(dm) In determining whether a forfeiture is to be imposed and in fixing the amount of the forfeiture to be imposed, if any, for a violation, factors shall be considered that are established in rules that shall be promulgated by the department consistent with federal regulations promulgated to interpret 42 USC 1396r.

(e) The department may directly assess forfeitures provided for under par. (a), penalty assessments provided for under par. (c) and interest provided for under par. (d). If the department determines that a forfeiture should be assessed for a particular violation or for failure to correct it, it shall send a notice of assessment to the nursing facility. The notice shall specify the amount of the forfeiture assessed, the amount of the penalty assessment, the violation, the statute or rule alleged to have been violated, and shall inform the licensee of the right to hearing under par. (f).

(f) A nursing facility may contest an assessment of forfeiture, penalty assessment or interest, if any, by sending a written request for hearing under s. 227.44 to the division of hearings and appeals created under s. 15.103 (1). The administrator may designate a hearing examiner to preside over the case and recommend a decision to the administrator under s. 227.46. The decision of the administrator shall be the final administrative decision. The division shall commence the hearing within 30 days of receipt of the request for hearing and shall issue a final decision within 15 days after the close of the hearing. Proceedings before the division are governed by ch. 227. In any petition for judicial review of a decision by the division, the department, if not the petitioner who was in the proceeding before the division, shall be the named respondent.

(g) All forfeitures, penalty assessments and interest, if any, shall be paid to the department within 10 days of receipt of notice of assessment or, if the forfeiture, penalty assessment and interest, if any, are contested under par. (f), within 10 days of receipt of the final decision after exhaustion of administrative review, unless the final decision is appealed and the order is stayed by court order under sub. (19) (b). The department shall remit all forfeitures paid to the state treasurer for deposit in the school fund. The department shall deposit all penalty assessments and interest in the appropriation under s. 20.435 (1) (g).

(h) The attorney general may bring an action in the name of the state to collect any forfeiture, penalty assessment or interest, if any, imposed under par. (e) or (f) if the forfeiture, penalty assessment or interest, if any, has not been paid following the exhaustion of all administrative and judicial reviews. The only issue to be contested in any such action shall be whether the forfeiture, penalty assessment or interest has been paid.

(17) TEMPORARY MANAGEMENT. Any nursing facility that is in violation of this section or any rule promulgated under this section may be subject to placement of a monitor or appointment of a receiver, under the procedures and criteria specified in s. 50.05 and under criteria promulgated as rules by the department under sub. (14) (c).

(18) NURSING FACILITY CLOSURE AND RESIDENT TRANSFER. (a) Any nursing facility that is in violation

of this section or any rule promulgated under this section may, in an emergency as determined by the department, be subject to closure by the department or to the transfer of residents of the nursing facility to another nursing facility, or both, under criteria promulgated as rules by the department under sub. (14) (c).

(b) A nursing facility may contest closure of the nursing facility or transfer of residents of the nursing facility, if any, by sending a written request for hearing under s. 227.44 to the division of hearings and appeals created under s. 15.103 (1). The administrator may designate a hearing examiner to preside over the case and recommend a decision to the administrator under s. 227.46. The decision of the administrator shall be the final administrative decision. The division shall commence the hearing within 30 days of receipt of the request for hearing and shall issue a final decision within 15 days after the close of the hearing. Proceedings before the division are governed by ch. 227. In any petition for judicial review of a decision by the division, the department, if not the petitioner who was in the proceeding before the division, shall be the named respondent.

(19) JUDICIAL REVIEW. (a) All administrative remedies shall be exhausted before an agency determination under this section shall be subject to judicial review. Final decisions after hearing shall be subject to judicial review exclusively as provided in s. 227.52, except that any petition for review of department action under this section shall be filed within 15 days after receipt of notice of the final agency determination.

(b) The court may stay enforcement under s. 227.54 of the department's final decision if a showing is made that there is a substantial probability that the party seeking review will prevail on the merits and will suffer irreparable harm if a stay is not granted, and that the nursing facility will meet the requirements of this section and the rules promulgated under this section during such stay. Where a stay is granted the court may impose such conditions on the granting of the stay as may be necessary to safeguard the lives, health, rights, safety and welfare of residents, and to assure compliance by the nursing facility with the requirements of this section.

(c) The attorney general may delegate to the department the authority to represent the state in any action brought to challenge department decisions prior to exhaustion of administrative remedies and final disposition by the division of hearings and appeals created under s. 15.103 (1).

(20) VIOLATIONS. If an act forms the basis for a violation of this section and s. 50.04, the department or the attorney general may impose sanctions in conformity with this section or under s. 50.04, but not both.

SECTION 1471. 49.499 of the statutes is created to read:

49.499 Nursing facility resident protection. From the appropriation under s. 20.435 (1) (g), the department shall contribute to the payment of all of the following, as needed by a resident in a nursing facility, as defined in s. 49.498 (1) (i), that is in violation of s. 49.498 or of a rule promulgated under s. 49.498:

(1) The cost of relocating the resident from the nursing facility to another nursing facility.

(2) Maintenance of operation of a nursing facility pending correction of deficiencies or closure of the nursing facility.

(3) Reimbursement of the resident for any personal funds of the resident that were misappropriated by the nursing facility staff or other persons holding an interest in the nursing facility.

SECTION 1471p. 49.50 (6e) of the statutes is created to read:

49.50 (6e) DAY CARE FUNDS FOR CERTAIN RECIPIENTS OF AID TO FAMILIES OF DEPENDENT CHILDREN. The department shall provide funds to pay child care costs of individuals receiving aid to families with dependent children under s. 49.19 who are participating in education or training activities that are approved by the department but that are not programs under subs. (7) to (7p) and the child care costs in excess of the amount of the child care disregard under s. 49.19 (5) (a) of individuals receiving aid to families with dependent children and working.

SECTION 1472. 49.50 (6g) of the statutes is created to read:

49.50 (6g) DAY CARE FUNDS FOR FORMER RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN. Beginning on April 1, 1990, the department shall provide funds to pay child care costs of individuals who secure unsubsidized employment and lose eligibility for aid to families with dependent children because of earned income or number of hours worked. **The child care services must be provided by a child care provider as defined in s. 46.98 (1) (a).** The department shall establish a formula for assistance based on ability to pay. The rates for child care services under this subsection shall be determined under s. 46.98 (4) (d). The department shall promulgate rules for the disbursement of funds under this subsection.

SECTION 1472g. 49.50 (6k) of the statutes is created to read:

49.50 (6k) ADMINISTRATION OF DAY CARE FUNDS. County departments under ss. 46.215, 46.22 and 46.23 shall administer the funds appropriated for the purpose of providing child care for recipients of aid under s. 49.19, except for recipients participating in the program under sub. (7j) in a county in which the county department under s. 46.215, 46.22 or 46.23 does not administer the program under sub. (7j), and the funds appropriated for the purpose of providing child care for individuals who secure unsubsidized employment and lose eligibility for aid under s. 49.19 because of

earned income or number of hours worked. The department shall allocate funds to county departments under ss. 46.215, 46.22 and 46.23 for the purposes of this subsection.

SECTION 1472r. 49.50 (6n) of the statutes is created to read:

49.50 (6n) DAY CARE EXPENDITURE INFORMATION. The department shall collect information on expenditures for child care for individuals participating in the employment and training programs under this section.

SECTION 1473. 49.50 (6r) of the statutes is created to read:

49.50 (6r) MAXIMIZE FEDERAL FINANCIAL PARTICIPATION FOR DAY CARE FUNDS. The department shall adopt methods of administering day care funds used to provide child care under subs. (6g), (7c) (c), (7j) (e) and (7m) (jm) so as to maximize federal financial participation by April 1, 1990. If the department contracts with local service agencies to provide child care under subs. (6g), (7c) (c), (7j) (e) and (7m) (jm), the contract shall be administered by the local agency such that federal financial participation will be maximized by April 1, 1990.

~~SECTION 1473g. 49.50 (6w) of the statutes is created to read:~~

~~**49.50 (6w) PRIORITY FOR EMPLOYMENT PROGRAMS.** The department shall ensure that an individual is given priority for participation in the employment program under sub. (7) or (7j) if the individual is any of the following:~~

~~(a) A recipient of aid under s. 49.19 who has received that aid for any 36 of the preceding 60 months.~~

~~(b) An applicant for aid under s. 49.19 who has received that aid for any 36 of the 60 months immediately preceding the month for which application is made.~~

~~(c) A custodial parent under the age of 24 who either:~~

~~1. Has not graduated from public or private high school or obtained a declaration of equivalency of high school graduation under s. 115.29 (4) and is not attending school, as defined in sub. (7) (a), or~~

~~2. Has had little or no work experience in the preceding year.~~

~~(d) A member of a family in which the youngest child is within 2 years of being ineligible for aid under s. 49.19 because of age.~~

~~(e) A member of a group identified in the contract between the department and the agency providing the employment services in a county as consisting of long-term or potential long-term recipients of aid under s. 49.19.~~

SECTION 1473r. 49.50 (7) (am) of the statutes is amended to read:

49.50 (7) (am) The department shall ensure that all appropriate individuals so required by federal law and regulations as a condition of eligibility for aid to families with dependent children shall register for man-

Vetoed in Part

Vetoed in Part

power services, training and employment under the work incentive demonstration program under 42 USC 645. The department shall administer or purchase directly or through contracts with county departments under s. 46.215 or 46.22 or the department of industry, labor and human relations, supportive and employment services provided under the work incentive demonstration program to assist individuals to obtain gainful employment. Supportive services may include, but are not limited to, counseling, child care, transportation and vocational rehabilitation services. Employment services may include, but are not limited to, job training and placement, vocational counseling, job finding clubs, grant diversion to public or private employers, contracting with private employment agencies, promotion of targeted jobs tax credit programs and performance-based job placement incentives. The department shall promulgate rules to administer this program.

SECTION 1476. 49.50 (7) (e) 2 of the statutes is amended to read:

49.50 (7) (e) 2. The department shall establish procedures to ensure that reimbursement of child care expenses of participants in the program under this subsection other than those under subd. 1 is made consistently within 2 weeks after a recipient submits a claim form. Reimbursement for child care shall be in an amount based on need, with the maximum amount per child equal to the lesser of the actual cost of the care or the rate established under s. 46.98 (4) (d).

~~SECTION 1476g. 49.50 (7) (h) 1 of the statutes is amended to read:~~

Vetoed
in Part

~~49.50 (7) (h) 1. If an individual is reported to have failed to meet the requirements under par. (g), the county department under s. 46.215, 46.22 or 46.23 shall contact the individual and either the school attendance officer, as defined in s. 118.10 (1) (b), or if the individual is enrolled in a school that is not a public school, a school administrator identified by the individual to determine whether the individual has failed to meet the requirements under par. (g). An individual who fails has been determined to have failed to meet the requirements under par. (g) is subject to sanctions as provided by the department by rule.~~

SECTION 1476r. 49.50 (7b) of the statutes is created to read:

49.50 (7b) JOB OPPORTUNITIES AND BASIC SKILLS PROGRAM. (a) The department shall submit a plan that meets the requirements under 42 USC 682 (a) to the federal secretary of health and human services. If the plan is approved, the department shall administer a job opportunities and basic skills program under 42 USC 682 (a) for recipients of aid under s. 49.19.

(b) The program under this subsection shall incorporate the programs under subs. (7), (7c), (7g), (7j), (7m) and (7p). The program under this subsection shall include at least 2 of the following:

1. Employment search.
2. On-the-job training.
3. Grant diversion.
4. Community work experience program or another work experience program approved in the plan under par. (a).

(c) The department shall promulgate rules for the administration of the program under this subsection. The rules shall include all of the following:

1. Exemptions from participation in the program under this subsection.
2. Sanctions for failure to participate in the program under this subsection.
3. Requirements for participants in the program under this subsection relating to accepting a job.

SECTION 1477. 49.50 (7c) (a) of the statutes is amended to read:

49.50 (7c) (a) The department shall administer an employment search program under 42 USC 602 (a) (19) or 42 USC 682 (g) for recipients of aid to families with dependent children. The department shall provide directly, or purchase through contracts, services including support services to assist individuals in obtaining regular, unsubsidized employment. Support services shall include child care and transportation costs reasonably incurred by program participants in order to meet the requirements of the program. Payment for child care shall be in an amount based on need, with the maximum amount per child equal to the lesser of the actual cost of care or the rate established under s. 46.98 (4) (d).

SECTION 1479r. 49.50 (7g) (a) of the statutes is amended to read:

49.50 (7g) (a) In conjunction with the program under sub. (7), the department may administer by contract projects of grant diversion for recipients of aid to families with dependent children under the federal work supplementation program authorized by 42 USC 614 or 42 USC 682 (e). Under a grant diversion project, the department may use all or a part of the grant of an individual receiving aid to families with dependent children provided under s. 49.19 to supplement wages for a job performed by that individual under a contract between the department or its designated representative and a governmental unit or another individual, a corporation, including a non-profit corporation, a partnership or any other association.

SECTION 1480. 49.50 (7g) (b) of the statutes is amended to read:

49.50 (7g) (b) From the appropriations under s. 20.435 (4) (7) (d) and (p), the department shall reimburse a governmental unit or individual, a corporation, including a nonprofit corporation, a partnership or any other association contracting with the department under par. (a) to supplement the wages for a job performed by an individual under par. (a).

SECTION 1480d. 49.50 (7g) (ca) of the statutes is amended to read:

49.50 (7g) (ca) Except as provided under par. (cm), payment under par. (c), after the earned income ~~disregards~~ disregard under s. 49.19 (5) (a) 2 ~~and 3 have~~ has been applied, shall additionally be subject, for 9 consecutive months, to an earned income disregard of \$30 and a disregard equal to one-third of the remaining earned income.

SECTION 1480g. 49.50 (7g) (cm) of the statutes is amended to read:

49.50 (7g) (cm) Payment under par. (c), after the earned income ~~disregards~~ disregard under s. 49.19 (5) (a) 2 ~~and 3 have~~ has been applied, shall additionally be subject, for 9 consecutive months, to an earned income disregard of \$30 and a disregard equal to one-sixth of the remaining earned income. This paragraph does not apply unless the federal waiver under s. 49.19 (5) (am) is in effect.

SECTION 1480i. 49.50 (7g) (em) of the statutes is amended to read:

49.50 (7g) (em) The department shall contract with a local service agency, as defined in s. 101.35 (1) (d), to use all or part of the grant of an individual receiving aid for families with dependent children to supplement the wages of the individual, if his or her wages are subsidized under s. 101.35. The rules promulgated by the department establishing criteria for recipient participation do not apply to contracts under this paragraph. Contracts between the department and local service agencies shall use the most effective means of implementing grant diversion under 42 USC 614 or 42 USC 682 (e). This paragraph does not apply after June 30, 1991.

SECTION 1480t. 49.50 (7j) (d) 1 of the statutes is amended to read:

49.50 (7j) (d) 1. A community work experience program under 42 USC 609 or 42 USC 682 (f) established as a part of the program under this subsection shall be subject to this paragraph and the rules promulgated under par. (a), notwithstanding sub. (7m). Rules promulgated by the department under sub. (7m) (k) apply to a community work experience program established as part of the program under this subsection to the extent that they do not conflict with this subsection.

SECTION 1481. 49.50 (7j) (d) 2 of the statutes is amended to read:

49.50 (7j) (d) 2. A county participating in the work experience and job training program under this subsection shall establish a community work experience program. The department shall, from the appropriation under s. 20.435 (4) (7) (df), reimburse the county for all of the federally allowable administrative costs of the community work experience program not reimbursed by the federal government.

SECTION 1483. 49.50 (7j) (dm) of the statutes is created to read:

49.50 (7j) (dm) The department shall provide funds to pay child care costs of persons participating in the program under this subsection. Payment for child care shall be in an amount based on need, with the maximum amount per child equal to the lesser of the actual cost of care or the rate established under s. 46.98 (4) (d).

SECTION 1484b. 49.50 (7j) (e) of the statutes is renumbered 49.50 (7j) (e) 1 and amended to read:

49.50 (7j) (e) 1. ~~As part of the program under this subsection~~ From the appropriation under s. 20.435 (7) (cn), the department shall provide funds to pay child care costs of individuals who secure unsubsidized employment following participation in the program and lose eligibility for aid to families with dependent children because of earned income. The funds shall be used to provide care for children for all or part of a day during which the individual works. The child care services must be provided by a child care provider as defined in s. 46.98 (1) (a). The department shall establish a formula for assistance under this paragraph based on ability to pay. The rates for child care services under this paragraph shall be determined as provided under s. 46.98 (4) (d).

SECTION 1486. 49.50 (7j) (e) 3 of the statutes is created to read:

49.50 (7j) (e) 3. From the appropriation under s. 20.435 (7) (df), the department shall provide funds to pay child care costs of persons subject to par. (d) 4 or 6m in counties that the department reimburses under par. (d) 2. The funds shall be used to provide care for children for all or part of a day during which the person works. Payment for child care shall be in an amount based on need, with the maximum amount per child equal to the lesser of the actual cost of care or the rate established under s. 46.98 (4) (d).

SECTION 1486f. 49.50 (7j) (f) of the statutes is repealed.

~~SECTION 1486j. 49.50 (7j) (fm) of the statutes is amended to read.~~

~~49.50 (7j) (fm) The department shall ensure that records of the number of participants in the program under this subsection and of the number of job placements made are kept according to gender and according to whether or not the participant is eligible under s. 49.19 (4) (dm). The department shall ensure that records are kept of the nature of employment and the wages of participants in the program under this subsection at 6 months and 12 months after job placement.~~

SECTION 1486n. 49.50 (7m) (a) of the statutes is amended to read:

49.50 (7m) (a) A county department under s. 46.215, 46.22 or 46.23 may establish a community work experience program under 42 USC 609 or 42 USC 682 (f).

SECTION 1488. 49.50 (7m) (jg) of the statutes is amended to read:

Vetoed
in Part

49.50 (7m) (jg) A county department under s. 46.215, 46.22 or 46.23 which establishes a program under this subsection may apply to the department of health and social services for reimbursement of federally allowable administrative costs of the program that are not reimbursed by the federal government. The department of health and social services may, based on criteria it develops, select county departments to receive reimbursement under this paragraph and, from the appropriation under s. 20.435 (4) (7) (df), reimburse those county departments for all of the federally allowable administrative costs of the program under this subsection that are not reimbursed by the federal government.

SECTION 1489. 49.50 (7m) (jj) of the statutes is created to read:

49.50 (7m) (jj) From the appropriation under s. 20.435 (7) (df), the department shall provide funds to pay child care costs of persons subject to par. (f) or (fm) in counties that the department selects to receive reimbursement under par. (jg). The funds shall be used to provide care for children for all or part of a day during which the person works. Payment for child care shall be in an amount based on need, with the maximum amount per child equal to the lesser of the actual cost of care or the rate established under s. 46.98 (4) (d).

SECTION 1490b. 49.50 (7m) (jm) of the statutes is amended to read:

49.50 (7m) (jm) From the appropriation under s. 20.435 (4) (7) (cn), the department shall use available funds to pay child care costs of individuals who secure unsubsidized employment following participation in a program under this subsection and lose eligibility for aid to families with dependent children because of earned income. The funds shall be used to provide care for children for all or part of a day during which the individual works. The child care services must be provided by a child care provider as defined in s. 46.98 (1) (a). The department shall establish a formula for assistance under this paragraph based on ability to pay. The rates for child care services under this paragraph shall be determined as provided under s. 46.98 (4) (d).

SECTION 1492. 49.50 (7w) (e) of the statutes is amended to read:

49.50 (7w) (e) The department shall reimburse the counties, from the appropriation under s. 20.435 (4) (7) (de) for the cost of the pilot program under this subsection.

SECTION 1494. 49.50 (11) of the statutes is amended to read:

49.50 (11) PERIODIC EARNINGS CHECK BY DEPARTMENT. The department shall make a periodic check of the amounts earned by recipients of medical assistance under s. 49.46, 49.468 or 49.47, aid to families with dependent children under s. 49.19 and food stamps under 7 USC 2011 to 2029 through a check of the

amounts credited to the recipient's social security number. The department shall make an investigation into any discrepancy between the amounts credited to a social security number and amounts reported as income on the declaration application and take appropriate action under s. 49.12 when warranted. The department shall use the state wage reporting system developed by the department of industry, labor and human relations under 1985 Wisconsin Act 17, section 65 (1), when the system is implemented, to make periodic earnings checks. The department of industry, labor and human relations shall cooperate with the department in supplying this information.

SECTION 1495. 49.52 (1) (a) of the statutes is amended to read:

49.52 (1) (a) Before January 1, 1987, the department shall reimburse each county from the appropriations under s. 20.435 (4) (7) (b), (d), (o) and (p) for 100% of the cost of aid to families with dependent children granted under s. 49.19, for social services as approved by the department under ss. 46.215 (1), (2) (c) and (3) and 46.22 (1) (b) 8 and (e) 3, and for funeral expenses paid for recipients of aid under s. 49.30, except that no reimbursement may be made for the administration of or aid granted under s. 49.03, 1983 stats., and s. 49.02.

SECTION 1496. 49.52 (1) (ad) of the statutes is repealed and recreated to read:

49.52 (1) (ad) 1. The department shall reimburse each county for reasonable costs of income maintenance administration within the limits of available state and federal funds under s. 20.435 (7) (de) and (nL) by contract under s. 46.032. The amount of reimbursement calculated under this paragraph is in addition to any reimbursement provided to a county for administration of the child support supplement program under s. 46.257, for fraud and error reduction under s. 49.197 (1m) and (4), for case management pilot projects under s. 49.50 (7w) (e) and for county administration of employment and training programs, as provided under pars. (aj) and (aL). Except as provided in subd. 2, a county's reimbursement under this paragraph equals:

a. For the last 6 months of 1989, the amount determined under s. 49.52 (1) (ag) 3, 1987 stats., for the first 6 months of 1989.

b. For 1990, twice the amount determined under subd. 1. a.

c. For the first 6 months of 1991, the amount determined under subd. 1. a.

2. The department may adjust the amounts determined under subd. 1 for workload changes, administration of relief of needy Indian persons under s. 49.046 and computer network activities performed by counties.

SECTION 1497b. 49.52 (1) (ag) of the statutes is repealed.

Vetoed
in Part

~~SECTION 1498. 49.52 (1) (aj) of the statutes is amended to read:~~

~~49.52 (1) (aj) In addition to the amounts determined under par. (ag) (ad), the department shall reimburse each county for the costs of administering ss. 49.50 (7) (e) and (g) in an amount not to exceed \$427,500 in the last 6 months of 1987, \$655,200 in 1988, \$838,600 in 1989, 1990 and \$427,500 in the first 6 months of 1989, 1991, statewide.~~

~~SECTION 1499. 49.52 (1) (al) of the statutes is amended to read:~~

~~49.52 (1) (al) In addition to the amounts determined under par. (ag) (ad), the department shall allocate to counties administering programs under s. 49.50 (7c), (7e), (7j) and (7m) an amount not to exceed \$800,000 in the last 6 months of 1989, \$1,600,000 in 1988, 1990 and \$800,000 in the first 6 months of 1989, 1991, statewide, for the increased costs of income maintenance administration caused by the existence of those programs.~~

SECTION 1500. 49.52 (1) (am) of the statutes is amended to read:

49.52 (1) (am) After December 31, 1986, the department shall reimburse each county from the appropriations under s. 20.435 (4) (7) (b), (d), (o) and (p) for 100% of the cost of aid to families with dependent children granted under s. 49.19, for social services as approved by the department under ss. 46.215 (1), (2) (c) and (3) and 46.22 (1) (b) 8 and (e) 3, and for funeral expenses paid for recipients of aid under s. 49.30, except that no reimbursement may be made for the administration of or aid granted under s. 49.02.

SECTION 1501. 49.52 (1) (ar) of the statutes is repealed.

SECTION 1502. 49.52 (1) (b) of the statutes is amended to read:

49.52 (1) (b) The department shall distribute support collections from the appropriation under s. 20.435 (4) (7) (g).

SECTION 1503. 49.52 (1) (d) of the statutes is amended to read:

49.52 (1) (d) From the appropriations under s. 20.435 (4) (7) (b) and (o), the department shall allocate the funding for social services, including funding for foster care of a child receiving aid under s. 49.19, to county departments under ss. 46.215, 46.22 and 46.23 as provided under s. 46.40. County matching funds are required for the allocations under s. 46.40 (1) to (4), (8) and (9) and (11). Before January 1, 1988, the ratio of state and federal funds to county matching funds shall equal 91 to 9. Beginning January 1, 1988, each county's required match for a year equals 9.89% of the total of the county's allocations for that year for which matching funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile delinquency-related services from its allocation for 1987. Matching funds may be from county tax levies, federal and state revenue sharing funds or private donations to the county that meet

the requirements specified in s. 51.423 (5). Private donations may not exceed 25% of the total county match. If the county match is less than the amount required to generate the full amount of state and federal funds allocated for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

SECTION 1504. 49.52 (1) (i) of the statutes is amended to read:

49.52 (1) (i) Beginning January 1, 1980, the department shall reimburse counties for juvenile delinquency-related services as provided in s. 46.26 from the appropriation under s. 20.435 (4) (7) (cd).

SECTION 1505. 49.52 (5) of the statutes is amended to read:

49.52 (5) The department shall withhold the value of food stamp losses for which a county or federally recognized American Indian tribe is liable under sub. (4) from the payment to the county or tribe under s. 20.435 (4) (7) (de) 1 and (nL) and reimburse the federal government from the funds withheld.

SECTION 1506. 49.65 (1) to (7) of the statutes are renumbered 49.65 (2) to (8), and 49.65 (7) (b) and (c) and (8) (a), as renumbered, is amended to read:

49.65 (7) (b) The incentive payment shall be an amount equal to 15% of the amount recovered because of benefits paid under s. 49.46, 49.465, 49.468 or 49.47. The incentive payment shall be taken from the federal share of the sum recovered as provided under 42 CFR 433.153 and 433.154.

(c) The incentive payment shall be an amount equal to 10% 15% of the amount recovered because of benefits paid under s. 49.046, 49.19, 49.20 or 49.30 or as state supplemental payments under s. 49.177. The incentive payment shall be taken from the state share of the sum recovered, except that the incentive payment for an amount recovered because of benefits paid under s. 49.19 shall be considered an administrative cost under s. 49.19 for the purpose of claiming federal funding.

(8) (a) No person who has or may have a claim or cause of action in tort or contract and who has received assistance under this chapter as a result of the occurrence that creates the claim or cause of action may release the liable party or the liable party's insurer from liability to the units of government specified in sub. (4) (2). Any payment to a beneficiary or recipient of assistance under this chapter in consideration of a release from liability is evidence of the payer's liability to the unit of government that granted the assistance.

SECTION 1507. 49.65 (8) of the statutes is renumbered 49.65 (1).

SECTION 1508. 49.65 (9) of the statutes is created to read:

49.65 (9) POWERS OF HEALTH MAINTENANCE ORGANIZATIONS. A health maintenance organization or other prepaid health care plan has the powers of the depart-

ment under subs. (2) to (5) to recover the costs which the organization or plan incurs in treating an individual if all of the following circumstances are present:

(a) The costs result from an occurrence of an injury or sickness of an individual who is a recipient of medical assistance.

(b) The occurrence of the injury or sickness creates a claim or cause of action on the part of the recipient or the estate of the recipient.

(c) The medical costs are incurred during a period for which the department pays a capitation or enrollment fee for the recipient.

SECTION 1509. 49.80 (1) (am) of the statutes is created to read:

49.80 (1) (am) "Crisis assistance" means a benefit that is given to a household experiencing or at risk of experiencing a heating-related emergency.

SECTION 1510. 49.80 (1) (bm) of the statutes is created to read:

49.80 (1) (bm) "Heating assistance" means a benefit, other than crisis assistance, that is given to a household to assist in meeting the cost of home heating.

SECTION 1511. 49.80 (3) (b) of the statutes is amended to read:

49.80 (3) (b) By October 1 of every year from the appropriation under s. 20.435 (4) (7) (md), determine the total amount available for payment of benefits heating assistance under sub. (6) and determine the intended benefit level for each category of assistance benefit schedule.

SECTION 1513. 49.80 (3) (c) (intro.) of the statutes is renumbered 49.80 (3) (c) and amended to read:

49.80 (3) (c) From the appropriation under s. 20.435 (4) (6) (mc), allocate the following \$1,100,000 in each federal fiscal year for the department's expenses in administering the funds to provide low-income energy assistance.

SECTION 1514. 49.80 (3) (c) 1 and 2 of the statutes are repealed.

SECTION 1515. 49.80 (3) (d) (intro.) of the statutes is renumbered 49.80 (3) (d) and amended to read:

49.80 (3) (d) From the appropriation under s. 20.435 (4) (7) (md), allocate the following \$2,900,000 in each federal fiscal year for the expenses of a county department in administering under sub. (4) the funds to provide low-income energy assistance.

SECTION 1516. 49.80 (3) (d) 1 and 2 of the statutes are repealed.

SECTION 1517. 49.80 (3) (e) (intro.) of the statutes is amended to read:

49.80 (3) (e) (intro.) From the appropriation under s. 20.435 (4) (7) (md):

SECTION 1518. 49.80 (3) (e) 1. (intro.) of the statutes is renumbered 49.80 (3) (e) 1 and amended to read:

49.80 (3) (e) 1. Allocate the following 15% of the moneys received under 42 USC 8621 to 8629 in each federal fiscal year under the priority of maintaining funding for the geographical areas on July 20, 1985, and, if funding is reduced, prorating contracted levels of payment, for contracting for the provision of weatherization to a household eligible under sub. (9).

SECTION 1519. 49.80 (3) (e) 1. a and b of the statutes are repealed.

SECTION 1520. 49.80 (3) (e) 2. (intro.) of the statutes is renumbered 49.80 (3) (e) 2 and amended to read:

49.80 (3) (e) 2. Allocate the following \$2,400,000 in each federal fiscal year to a county department under s. 46.215 (1) (n) or 46.22 (1) (b) 10 for the payment of a household eligible for a crisis assistance benefit to meet weather-related or fuel supply shortage emergencies under sub. (8).

SECTION 1521. 49.80 (3) (e) 2. a and b of the statutes are repealed.

SECTION 1522. 49.80 (3) (e) 3 of the statutes is amended to read:

49.80 (3) (e) 3. Except as provided under subd. 6, allocate the balance of funds received under 42 USC 8621 to 8629 in a federal fiscal year, after making the transfer under par. (a) and the allocations under pars. (c) and (d) and subds. 1 and 2, for the payment of low-income energy heating assistance benefits under sub. (6).

SECTION 1523. 49.80 (3) (e) 6 of the statutes is amended to read:

49.80 (3) (e) 6. If federal funds received under 42 USC 8621 to 8629 total less than 90% of the amount received in federal fiscal year 1987 1989, in federal fiscal year 1988 1990 or in federal fiscal year 1989 1991, the department shall submit a plan of expenditure under s. 16.54 (2) (b).

SECTION 1524. 49.80 (3) (e) 7 of the statutes is amended to read:

49.80 (3) (e) 7. By October 1 of each year, allocate funds budgeted but not spent and any funds remaining from previous fiscal years to benefits heating assistance under sub. (6) or weatherization under sub. (9).

SECTION 1525. 49.80 (4) (a) of the statutes is amended to read:

49.80 (4) (a) A household may apply after September 30 and before May 16 of any year for low-income energy heating assistance from the county department under s. 46.215 (1) (n) or 46.22 (1) (b) 10 and shall have the opportunity to do so on a form prescribed by the department for that purpose. The federal social security administration may provide to the department information constituting an application under this paragraph for those households eligible under sub. (5) (a).

SECTION 1526. 49.80 (5) (a) of the statutes is repealed.

SECTION 1527. 49.80 (6) (intro.) of the statutes is renumbered 49.80 (6) and amended to read:

49.80 (6) BENEFITS. Within the limits of federal funds allocated under sub. (3) and subject to the requirements of sub. (4) (b) and s. 16.54 (2) (b), ~~the following benefits~~ heating assistance shall be paid under this section: according to a benefit schedule established by the department based on household income, family size and energy costs.

SECTION 1528. 49.80 (6) (a) and (b) of the statutes are repealed.

SECTION 1529. 49.80 (7) of the statutes is amended to read:

49.80 (7) INDIVIDUALS IN STATE PRISONS. No payment under sub. (6) may be made to a prisoner who is imprisoned in a state prison under s. ~~53.04~~ 302.01 or to a person placed at the Ethan Allen school or the Lincoln Hills school.

SECTION 1530. 49.80 (8) of the statutes is amended to read:

49.80 (8) CRISIS ASSISTANCE PROGRAM. A household eligible for ~~a benefit~~ heating assistance under sub. (5) ~~(6)~~ (6) may also be eligible for a benefit crisis assistance payment to meet a weather-related or fuel supply shortage crisis. The department shall define the circumstances constituting a crisis for which a payment may be made and shall establish the amount of payment to an eligible household or individual. The department may delegate a portion of its responsibility under this subsection to a county department under s. 46.215 or 46.22.

SECTION 1531. 49.80 (9) of the statutes is amended to read:

49.80 (9) WEATHERIZATION PROGRAM. A household eligible under sub. (5) may receive weatherization from an entity with which the department contracts for provision of weatherization ~~if the income of the household is up to 125% of the income poverty guidelines for the nonfarm population of the United States as prescribed by the federal office of management and budget under 42 USC 9902 (2).~~

SECTION 1531c. 49.90 (1) (a) of the statutes, as affected by 1985 Wisconsin Act 56, is repealed and recreated to read:

49.90 (1) (a) 1. The parent and spouse of any dependent person who is unable to maintain himself or herself shall maintain such dependent person, so far as able, in a manner approved by the authorities having charge of the dependent, or by the board in charge of the institution where such dependent person is; but no parent shall be required to support a child 18 years of age or older.

2. Except as provided under subs. (11) and (13) (a), the parent of a dependent person under the age of 18 shall maintain a child of the dependent person so far as the parent is able and to the extent that the dependent person is unable to do so. The requirement under this subdivision does not supplant any requirement under subd. 1 and applies regardless of whether a

court has ordered maintenance by the parent of the dependent person or established a level of maintenance by the parent of the dependent person.

SECTION 1531g. 49.90 (1) (c) of the statutes is amended to read:

49.90 (1) (c) ~~Before January 1, 1990, for~~ For the purpose of determining the ability of a parent or spouse to maintain a dependent person or the ability of a parent to support the child of his or her dependent child under the age of 18, credit granted under subch. VIII of ch. 71 shall not be considered.

SECTION 1531L. 49.90 (1) (cm) of the statutes is repealed.

SECTION 1531p. 49.90 (1m) (a) 1 of the statutes is renumbered 49.90 (1m).

SECTION 1531q. 49.90 (1m) (a) 2 and (b) of the statutes are repealed.

SECTION 1531x. 49.90 (2) of the statutes, as affected by 1989 Wisconsin Act (this act), is amended to read:

49.90 (2) Upon failure of these relatives to provide maintenance the authorities or board shall submit to the ~~district attorney~~ corporation counsel a report of its findings. Upon receipt of the report the ~~district attorney~~ corporation counsel shall, within 60 days, apply to the circuit court for the county in which the dependent person under sub. (1) (a) 1 or the child of a dependent person under sub. (1) (a) 2 resides for an order to compel ~~such~~ the maintenance. Upon such an application the ~~district attorney~~ corporation counsel shall make a written report to the county department under s. 46.215, 46.22 or 46.23, with a copy to the chairperson of the county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department, and to the department of health and social services.

SECTION 1532am. 49.90 (2) (a) 1 of the statutes is renumbered 49.90 (2).

SECTION 1532b. 49.90 (2) (a) 2 and (b) of the statutes are repealed.

SECTION 1532c. 49.90 (2g) (a) of the statutes is renumbered 49.90 (2g).

SECTION 1532d. 49.90 (2g) (b) of the statutes is repealed.

SECTION 1532e. 49.90 (2r) (a) of the statutes is renumbered 49.90 (2r).

SECTION 1532f. 49.90 (2r) (b) of the statutes is repealed.

SECTION 1532g. 49.90 (3) (a) of the statutes is renumbered 49.90 (3).

SECTION 1532h. 49.90 (3) (b) to (d) of the statutes are repealed.

SECTION 1532i. 49.90 (4) (a) 1 of the statutes is renumbered 49.90 (4) and amended to read:

49.90 (4) The circuit court shall in a summary way hear the allegations and proofs of the parties and by order require maintenance from these relatives, if they

have sufficient ability, considering their own future maintenance and making reasonable allowance for the protection of the property and investments from which they derive their living and their care and protection in old age, in the following order: First the husband or wife; then the father and the mother; and then the grandparents in the instances in which sub. (1) (a) 2 applies. The order shall specify a sum which will be sufficient for the support of the dependent person under sub. (1) (a) 1 or the maintenance of a child of a dependent person under sub. (1) (a) 2, to be paid weekly or monthly, during a period fixed by the order or until the further order of the court. If the court is satisfied that any such relative is unable wholly to maintain the dependent person or the child, but is able to contribute to the person's support or the child's maintenance, the court may direct 2 or more of the relatives to maintain the person or the child and prescribe the proportion each shall contribute. If the court is satisfied that these relatives are unable together wholly to maintain the dependent person or the child, but are able to contribute to the person's support or the child's maintenance, the court shall direct a sum to be paid weekly or monthly by each relative in proportion to ability. Contributions directed by court order, if for less than full support, shall be paid to the department and distributed as required by state and federal law. An order under this ~~subdivision~~ subsection that relates to maintenance required under sub. (1) (a) 2 shall specifically assign responsibility for and direct the manner of payment of the child's health care expenses, subject to the limitations under subs. (1) (a) 2 and (11) (a). Upon application of any party affected by the order and upon like notice and procedure, the court may modify such an order. Obedience to such an order may be enforced by proceedings for contempt.

SECTION 1532j. 49.90 (4) (a) 2 and (b) of the statutes are repealed.

SECTION 1532k. 49.90 (6) (a) 1 of the statutes is renumbered 49.90 (6).

SECTION 1532L. 49.90 (6) (a) 2 and (b) of the statutes are repealed.

SECTION 1532m. 49.90 (11) (a) of the statutes is renumbered 49.90 (11) and amended to read:

49.90 (11) (a) Except as provided in sub. (13) (b), the parent of a dependent person who is under the age of 18 and is alleged to be the father of a child is responsible for maintenance of that child only if the paternity of the child has been determined to be that of the dependent person as provided in subch. VIII of ch. 48 or under ss. 767.45 to 767.60. Subject to the limitations under sub. (1) (a), if a parent of a dependent person is liable for the health care expenses of the dependent person's child under sub. (4) (a) 1, this liability extends to all expenses of the child's medical care and treatment, including those associated with the childbirth, regardless of whether they were incurred prior to the determination of paternity and

regardless of whether the determination of paternity is made after the child's father attains 18 years of age, except that the period for which maintenance payment is ordered for the parent of a dependent person may not extend beyond the date on which the dependent person attains 18 years of age. The court may limit the liability of the dependent person's parent for the child's medical expenses if the expenses exceed 5% of the parent's federal adjusted gross income for the previous taxable year, if the parent files separately, or 5% of the sum of the parents' federal adjusted gross income for the previous taxable year, if the parents file jointly.

SECTION 1532n. 49.90 (11) (b) of the statutes is repealed.

SECTION 1532p. 49.90 (12) (a) of the statutes is renumbered 49.90 (12).

SECTION 1532q. 49.90 (12) (b) of the statutes is repealed.

SECTION 1532r. 49.90 (13) (d) of the statutes is repealed.

SECTION 1533. 50.01 (1g) (intro.) of the statutes is amended to read:

50.01 (1g) (intro.) "Community-based residential facility" means a place where 3 or more unrelated adults reside in which care, treatment or services above the level of room and board but not including nursing care are provided to persons residing in the facility as a primary function of the facility, ~~except that the department may approve an application from a nursing home which serves fewer than 20 residents and which otherwise meets the definition of this subsection to be licensed and regulated as a community-based residential facility.~~ "Community-based residential facility" does not include any of the following:

SECTION 1533m. 50.01 (2) of the statutes is amended to read:

50.01 (2) "Nurse's assistant" means a person who performs routine patient care duties delegated by a registered nurse or licensed practical nurse who supervises the person, for the direct health care of a patient or resident. "Nurse's assistant" does not mean a person who is licensed, permitted, certified or registered under ch. 441, 448, 449, 450, 451, 455 or 459 or a person whose duties primarily involve skills that are different than those taught in instructional programs for nurse's assistants.

SECTION 1534. 50.01 (3) (a) of the statutes is amended to read:

50.01 (3) (a) A place which provides 24-hour services including board and room to 3 or more unrelated residents who because of their mental or physical condition require nursing care or personal care in excess of 7 hours a week, ~~unless the facility has been designated as a community-based residential facility under sub. (1g).~~

SECTION 1535. 50.03 (3) (am) of the statutes is created to read:

50.03 (3) (am) In this subsection, "managing employee" means a general manager, business manager, administrator, director or other individual who exercises operational or managerial control over, or who directly or indirectly conducts, the operation of the facility.

SECTION 1536. 50.03 (3) (b) 1 of the statutes is amended to read:

50.03 (3) (b) 1. ~~The operator or operators~~ All managing employees and, if any, the director of nursing of the facility, including any person who has the authority, directly or indirectly, to direct or cause the direction of the management or policies of the facility.

SECTION 1537. 50.03 (3) (d) of the statutes is amended to read:

50.03 (3) (d) The licensee shall promptly report any changes which affect the continuing accuracy and completeness of the report information required under par. (b).

SECTION 1538. 50.04 (2r) of the statutes is amended to read:

50.04 (2r) ADMISSIONS REQUIRING APPROVAL. Except in an emergency, ~~no~~ a nursing home that is not certified as a provider of medical assistance or that is an intermediate care facility for the mentally retarded, as defined in s. 46.278 (1m) (a), or an institution for mental diseases, as defined under 42 CFR 435.1009, may not admit as a resident an individual who has a developmental disability, as defined in s. 51.01 (5), or who is both under age 65 and has mental illness, as defined in s. 51.01 (13), or who has a developmental disability, as defined in s. 51.01 (5), unless the county department under s. 46.23, 51.42 or 51.437 of the individual's county of residence has recommended the admission.

SECTION 1539. 50.04 (4) (c) 2 of the statutes is amended to read:

50.04 (4) (c) 2. At the time of issuance of a notice of a class "B" or "C" violation, the department shall request a plan of correction which is subject to the department's approval. The nursing home shall have ~~15~~ 10 days after receipt of notice of violation in which to prepare and submit a plan of correction but the department may extend this period up to 30 days where correction involves substantial capital improvement. The plan shall include a fixed time period within which violations are to be corrected. If the nursing home plan of correction is substantially in compliance, it may be modified upon agreement between the department and the nursing home to achieve full compliance. If it rejects a plan of correction, the department shall send notice of the rejection and the reason for the rejection to the nursing home and impose a plan of correction. The imposed plan of correction may be modified upon agreement between the department and the nursing home.

SECTION 1540. 50.04 (4) (e) 3 of the statutes is created to read:

50.04 (4) (e) 3. In any petition for judicial review of a decision by the division under subd. 2, the department, if not the petitioner who was in the proceeding before the division under subd. 1, shall be the named respondent.

SECTION 1541. 50.04 (5) (a) 4 of the statutes is amended to read:

50.04 (5) (a) 4. Notwithstanding ~~subd.~~ subds. 1, 2 and 3, if the violation or group of violations results from inadequate staffing, the amount of the forfeiture that the department may assess shall be no less than the difference between the cost of the staff actually employed and the estimated cost of the staff required. The number of staff required shall be determined by the provider contract, court order or the department, by rule, whichever is greatest. The inadequate staff shall be presumed to exist from the date of the notice of violation.

SECTION 1542. 50.04 (5) (e) of the statutes is amended to read:

50.04 (5) (e) *Forfeiture appeal hearing.* A nursing home may contest an assessment of forfeiture, by sending, within 10 days after receipt of notice of a contested action, a written request for hearing under s. 227.44 to the division of hearings and appeals created under s. 15.103 (1). The administrator of the division may designate a hearing examiner to preside over the case and recommend a decision to the administrator under s. 227.46. The decision of the administrator of the division shall be the final administrative decision. The division shall commence the hearing within 30 days of receipt of the request for hearing and shall issue a final decision within 15 days after the close of the hearing. Proceedings before the division are governed by ch. 227. In any petition for judicial review of a decision by the division, the party, other than the petitioner, who was in the proceeding before the division shall be the named respondent.

SECTION 1543. 50.04 (7) of the statutes is created to read:

50.04 (7) VIOLATIONS. If an act forms the basis for a violation of this section and s. 49.498, the department or the attorney general may impose sanctions in conformity with this section or under s. 49.498, but not both.

SECTION 1543m. 50.05 (1) (dm) of the statutes is created to read:

50.05 (1) (dm) "Nursing facility" has the meaning given in s. 49.498 (1) (i).

SECTION 1544. 50.05 (2) (intro.) of the statutes is amended to read:

50.05 (2) CONDITIONS FOR PLACEMENT OF A MONITOR OR APPOINTMENT OF A RECEIVER. (intro.) The department may place a monitor in a facility and the secretary, as specified in sub. (4), may petition for appointment of a receiver for a facility when any of the following conditions exist:

SECTION 1545. 50.05 (2) (e) of the statutes is amended to read:

50.05 (2) (e) The department determines that an emergency exists or that placement of a monitor or appointment of a receiver is necessary to protect the health, safety or welfare of the residents.

SECTION 1545m. 50.05 (2) (f) of the statutes is created to read:

50.05 (2) (f) The facility is a nursing facility that is in violation of s. 49.498 or a rule promulgated under s. 49.498, meets the criteria established by rule under s. 49.498 (14) (c) for placement of a monitor or appointment of a receiver, and there is a need for placement of a monitor or appointment of a receiver during the period that any of the following applies:

1. There is an orderly closure of the nursing facility.
2. The nursing facility institutes improvements in order to bring the nursing facility into compliance with the requirements of s. 49.498 or a rule promulgated under s. 49.498.

SECTION 1546. 50.05 (4) and (5) of the statutes are amended to read:

50.05 (4) APPOINTMENT OF RECEIVER. ~~The Only the~~ secretary, represented by the department of justice, may apply ~~by verified petition to the circuit for a court for the county in which the facility is located for an order appointing the secretary or the secretary's designee receiver of the facility. The secretary, as represented, may apply by verified petition to the circuit court for Dane county for the order.~~ The court shall hold a hearing on the petition within 5 days of the filing of the petition. The petition and notice of the hearing shall be served on the operator, administrator or designated agent of the facility as provided under ch. 801 or shall be posted in a conspicuous place in the facility not later than 3 days before the time specified for the hearing, unless a different period is fixed by order of the court. Notwithstanding ss. 803.01 to 803.09 and 844.18, the only persons who may appear as a party at a hearing under this subsection or sub. (5) are the secretary or the secretary's designee and the operator of the facility. The court shall appoint a receiver for a specified time period requested by the secretary up to 180 120 days, if it finds that any ground exists which would authorize the appointment of a receiver under sub. (2) and that appointment of a receiver will contribute to the continuity of care or the orderly and safe transfer of residents in the facility. The court may extend the period of receivership in 90-day 30-day increments on request only on the petition of the department and if the court finds that the department has been unable to transfer all of the residents to another suitable location or the department has determined that it is necessary for the receivership to be extended for the continued health, safety and welfare of the residents. Notwithstanding s. 808.03 (1), any order issued at the hearing on the petition for receivership under this subsection or sub. (5) or at a subsequent hearing concerning matters arising under the receivership or concerning termination of the

receivership under sub. (14) may be appealed as a matter of right.

(5) EMERGENCY PROCEDURE. If it appears from the petition filed under sub. (4), or from an affidavit or affidavits filed with the petition, or from testimony of witnesses under oath when the court determines that this is necessary, that there is probable cause to believe that an emergency exists in the facility, the court shall immediately issue the requested order for appointment of a receiver, ex parte and without further hearing. An appearance by the secretary or the secretary's designee to obtain the order is not a hearing of any preliminary contested matter for the purposes of s. 801.58 (1). Notice of the petition and order shall be served on the operator, administrator, or designated agent of the facility as provided under ch. 801 or shall be posted in a conspicuous place in the facility within 24 hours after issuance of the order and a hearing on the petition shall be held within 3 days after notice is served or posted unless the operator consents to a later date. After the hearing, the court may terminate, continue or modify the temporary order.

SECTION 1547. 50.05 (7) (c) of the statutes is amended to read:

50.05 (7) (c). Shall have the same rights to possession of the building in which the facility is located and of all goods and fixtures in the building at the time the petition for receivership is filed as the operator would have had if the receiver had not been appointed. The receiver shall take such action as is reasonably necessary to protect or conserve the tangible assets or property of which the receiver takes possession, or the proceeds of any transfer thereof, and may use them only in the performance of the powers and duties set forth in this section and by order of the court.

SECTION 1548. 50.05 (7) (e) of the statutes is amended to read:

50.05 (7) (e) May correct or eliminate any deficiency in the structure or furnishings of the facility which endangers the safety or presents an immediate or serious danger to the health or safety of residents while they remain in the facility, provided the total cost of correction does not exceed \$3,000. The court may order expenditures for this purpose in excess of \$3,000 only on application from the receiver.

SECTION 1549. 50.05 (7) (h) of the statutes is amended to read:

50.05 (7) (h) Shall have full power to direct and manage and to discharge employes of the facility, subject to any contract rights they may have. The receiver shall pay employes at the same rate of compensation, including benefits, that the employes would have received from the operator, except that the receiver shall compensate employes only for time actually worked during the period of receivership and ~~shall not be responsible for reimbursement~~ may reimburse for vacations or periods of sick leave. The receiver may grant salary increases and fringe benefits to employes

of a nursing home, in accord with the facility payment formula under s. 49.45 (6m). Receivership does not relieve the operator of any obligation to employees not carried out by the receiver.

SECTION 1550. 50.05 (7) (m) of the statutes is created to read:

50.05 (7) (m) May restrict admissions to the facility.

SECTION 1551. 50.05 (9) (a) 1 and 2 of the statutes are amended to read:

50.05 (9) (a) 1. The person seeking payment under the agreement lease, mortgage, secured transaction or other wholly or partially executory contract was an operator or controlling person of the facility or was an affiliate of an operator or controlling person at the time the agreement lease, mortgage, secured transaction or other wholly or partially executory contract was made; or

2. The rental, price or rate of interest required to be paid under the agreement lease, mortgage, secured transaction or other wholly or partially executory contract was substantially in excess of a reasonable rental, price or rate of interest at the time the contract was entered into.

SECTION 1552. 50.05 (9) (a) 3 of the statutes is created to read:

50.05 (9) (a) 3. Payment under the lease, mortgage, secured transaction or other wholly or partially executory contract has been modified by the parties' subsequent oral or written agreement or constructive waiver.

SECTION 1553. 50.05 (9) (c) of the statutes is created to read:

50.05 (9) (c) During the period of appointment of a receiver, there may be no foreclosure of a mortgage entered into by the owner or operator of the facility or eviction of facility residents if the foreclosure or eviction serves to defeat the purpose of the appointment.

SECTION 1554. 50.05 (9m) of the statutes is created to read:

50.05 (9m) IMPEDING RECEIVERSHIP PROHIBITED; AUTOMATIC STAY. No person may impede the operation of a receivership established under this section. After the appointment of a receiver, any action that interferes with the functioning of the facility, including cancellation of an insurance policy executed on behalf of the facility, repossession of equipment used in the facility or termination of utility services or other services or goods that are necessary to protect the health, safety or welfare of the nursing home residents, is automatically stayed for a period of not more than 60 days.

SECTION 1555. 50.05 (10) of the statutes is amended to read:

50.05 (10) CONTINGENCY FUND. If funds collected under subs. (7) and (8) are insufficient to meet the expenses of performing the powers and duties conferred on the receiver by this section, or if there are insufficient funds on hand to meet those expenses, the department may draw from the supplemental funds

created under s. 20.435 (1) (dm) and ~~(4) (6)~~ (dm) to pay those expenses. Operating funds collected under this section and not applied to the expenses of the receivership, except for the amount of a security, if any is required under sub. (14m), shall be used to reimburse the fund for advances made under this section.

SECTION 1556am. 50.05 (14) of the statutes is renumbered 50.05 (14) (a), and 50.05 (14) (a) (intro.) and 1, as renumbered, are amended to read:

50.05 (14) (a) (intro.) The Except as provided under par. (b), the court may not terminate a receivership for any reason other than as specified under subs. 1 to 3 and shall, after the department determines and notifies the court that the facility is able to ensure continued compliance with federal and state laws, terminate the receivership:

1. If the time period specified in the order appointing the receiver elapses and the department has not petitioned for an extension;

SECTION 1557c. 50.05 (14) (b) of the statutes is created to read:

50.05 (14) (b) The court may terminate a receivership of a nursing facility imposed because of a violation of s. 49.498 or a rule promulgated under s. 49.498 if the department submits testimony to the satisfaction of the court that the nursing facility has the management capability to ensure continued compliance with the requirements of s. 49.498 or a rule promulgated under s. 49.498.

SECTION 1558. 50.05 (14m) of the statutes is created to read:

50.05 (14m) BOND UPON TERMINATION; REAPPOINTMENT. If the court terminates a receivership under sub. (14) and the department grants a license for the facility to the same applicant under which the facility was licensed immediately prior to appointment of a receiver under sub. (4) or (5), the court may require that person to post a bond for a period of not less than 120 days in an amount fixed by the court as security for maintaining compliance with this subchapter and the rules promulgated under this subchapter. If the court, after notice to the parties in the receivership proceeding and after a hearing, finds that the standards for appointment under sub. (4) are met, the court may reappoint the receiver. If the court reappoints the receiver, the receiver may use the security, if any has been required under this subsection, in addition to funds under subs. (7), (8) and (10), for purposes of the receivership.

SECTION 1559. 50.05 (15) (b) of the statutes is amended to read:

50.05 (15) (b) If the operating funds collected by the receiver under subs. (7) and (8) exceed the reasonable expenses of the receivership, the court shall order payment of the surplus to the operator or controlling person, after reimbursement of funds drawn from the contingency fund under sub. (10). If the operating funds are insufficient to cover the reasonable expenses

of the receivership, the operator or controlling person shall be liable for the deficiency. The operator or controlling person may apply to the court to determine the reasonableness of any expense of the receivership. The operator or controlling person shall not be responsible for expenses in excess of what the court finds to be reasonable. Payment recovered from the operator or controlling person shall be used to reimburse the contingency fund for amounts drawn by the receiver under sub. (10).

SECTION 1560. 50.05 (15) (c) (intro.) of the statutes is amended to read:

50.05 (15) (c) (intro.) The department shall have a lien for any deficiency under par. (b) upon any beneficial interest, direct or indirect, of any operator or controlling person in the following property:

SECTION 1561. 50.05 (15) (c) 5 of the statutes is created to read:

50.05 (15) (c) 5. Any other property or assets of the operator or controlling person if no property or proceeds exist under subds. 1 to 4.

SECTION 1562. 50.09 (5) of the statutes is amended to read:

50.09 (5) Rights established under this section shall not, except as determined by the department of corrections, be applicable to residents in such facilities, if the resident is in the legal custody of the department of corrections and is a correctional client in such a facility.

SECTION 1563. 50.097 of the statutes is created to read:

50.097 Registry. Any person may receive, upon specific written request to the department, requested information that is contained in the registry of nurse's assistants and home health aides under s. 146.40 (4g) (a).

SECTION 1564. 50.098 of the statutes is created to read:

50.098 Appeals of transfers or discharges. The department shall promulgate rules establishing a fair mechanism for hearing appeals on transfers and discharges of residents from nursing homes.

SECTION 1565. 50.39 (3) of the statutes 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 of corrections under s. 46.03 (1) 301.02 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. Sections 50.32 to 50.39 shall do not 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.

~~50.50 (5) (b) Churches, religious, fraternal, youth or patriotic organizations, service clubs and civic organizations which occasionally that prepare, meals for or serve or sell meals to transients or the general public on fewer than 13 days during any 12 months.~~

Vetoed
in Part

SECTION 1565r. 50.51 (5) of the statutes is amended to read:

50.51 (5) All permits expire on June 30, except that permits initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year.

SECTION 1567am. 50.535 (2) (a) of the statutes is renumbered 50.535 (2) (am).

SECTION 1568e. 50.59 of the statutes is amended to read:

50.59 Penalty. Anyone who violates this subchapter, except s. 50.575 or 50.84 or 50.85, or any rule of the department promulgated under this subchapter shall be fined not less than \$100 nor more than \$1,000. Anyone who fails to comply with an order of the department under this subchapter except s. 50.575 shall forfeit \$50 for each day of noncompliance after the order is served upon or directed to him or her, and in case of action under s. 50.71, after lapse of a reasonable time after final determination.

SECTION 1568m. 50.84 of the statutes is renumbered 50.84 (1) and amended to read:

50.84 (1) Every hotelkeeper shall keep posted in a conspicuous place in each sleeping room in his or her hotel, in type not smaller than 12-point, the rates per day for each occupant. Such rates shall not be changed until notice to that effect has been posted, in a similar manner, for 10 days previous to each change. Any hotelkeeper who fails to have the rates so posted or who charges, collects or receives for the use of any room a sum different from the authorized charge shall be punished by a fine of fined not less than \$50 nor more than \$100. A hotelkeeper may permit a room to be occupied at the rate of a lower priced room when all of the lower priced rooms are taken and until one of them becomes unoccupied. Special rates may be made for the use of sleeping rooms, either by the week, month or for longer periods or for use by families or other collective groups. The department or its representatives may enforce the posting of rates as provided in this section subsection.

SECTION 1568n. 50.84 (2) of the statutes is created to read:

50.84 (2) (a) A hotelkeeper shall post, in each sleeping room in the hotel with a telephone, a notice of any fee imposed by the hotelkeeper for using the telephone.

(b) The notice required under par. (a) shall be all of the following:

1. In type not smaller than 12-point.
2. Conspicuously posted on the telephone or within 3 feet of the telephone's normal location.

Vetoed
in Part

~~SECTION 1565m. 50.50 (5) (b) of the statutes is amended to read:~~

(c) The department or its agents may inspect hotels to ensure compliance with pars. (a) and (b).

(d) A hotelkeeper who fails to post the notice required under par. (a) or who posts an inaccurate notice shall be fined not less than \$50 nor more than \$100.

SECTION 1572m. 51.05 (6) of the statutes is created to read:

Vetoed in Part 51.05 (6) HEARING-IMPAIRED INDIVIDUALS. The department shall provide ~~specialized~~ mental health services appropriate for hearing-impaired individuals, ~~to individuals who are residents of or are committed, admitted or transferred to Mendota mental health institute and who are hearing impaired.~~

Vetoed in Part SECTION 1573. 51.20 (1) (ar) (intro.) of the statutes is amended to read:

51.20 (1) (ar) (intro.) If the individual is an inmate of a state prison, the petition may allege that the inmate is mentally ill, is a proper subject for treatment and is in need of treatment. The petition shall allege that appropriate less restrictive forms of treatment have been attempted with the individual and have been unsuccessful and it shall include a description of the less restrictive forms of treatment that were attempted. The petition shall also allege that the individual has been fully informed about his or her treatment needs, the mental health services available to him or her and his or her rights under this chapter and that the individual has had an opportunity to discuss his or her needs, the services available to him or her and his or her rights with a licensed physician or a licensed psychologist. The petition shall include the inmate's sentence and his or her expected date of release as determined under s. ~~53.11~~ 302.11. The petition shall have attached to it a signed statement by a licensed physician or a licensed psychologist of a state prison and a signed statement by a licensed physician or a licensed psychologist of a state treatment facility attesting either of the following:

SECTION 1574. 51.20 (1) (av) 1. (intro.) of the statutes is amended to read:

51.20 (1) (av) 1. (intro.) If the individual is an inmate who has been sentenced to imprisonment in a county jail or house of correction, the petition may allege that the inmate is mentally ill, is a proper subject for treatment and is in need of treatment. The petition shall allege that appropriate less restrictive forms of treatment have been attempted with the individual and have been unsuccessful and shall include a description of the less restrictive forms of treatment that were attempted. The petition shall also allege that the individual has been fully informed about his or her treatment needs, the mental health services available to him or her and his or her rights under this chapter and that the individual has had an opportunity to discuss his or her needs, the services available to him or her and his or her rights with a licensed physician or a licensed psychologist. The petition shall include the inmate's sentence and his or her expected

date of release as determined under s. ~~53.11~~ 302.43 or 303.19 (3). The petition shall have attached to it a signed statement by a licensed physician, licensed psychologist or other mental health professional attesting either of the following:

SECTION 1575. 51.20 (4) of the statutes is amended to read:

51.20 (4) PUBLIC REPRESENTATION. Except as provided in ss. 51.42 (3) (ar) 1 and 51.437 (4m) (f), ~~the district attorney or, if designated by the county board of supervisors, the corporation counsel or other counsel~~ shall represent the interests of the public in the conduct of all proceedings under this chapter, including the drafting of all necessary papers related to the action.

SECTION 1576. 51.20 (13) (g) 2m of the statutes is amended to read:

51.20 (13) (g) 2m. In addition to the provisions under subds. 1, 2 and 2g, no commitment ordered under par. (a) 4 or (4m) may continue beyond the inmate's date of release as determined under s. ~~53.11~~ 302.11.

SECTION 1577. 51.22 (3) of the statutes is amended to read:

51.22 (3) Whenever an admission is made through the department, the department shall determine the need for inpatient care of the individual to be admitted. Unless a state-operated facility is used, the department may only authorize care in an inpatient facility which is operated by or under a purchase of service contract with a county department under s. 51.42 or 51.437 or an inpatient facility which is under a contractual agreement with the department. Except in the case of state treatment facilities, the department shall reimburse the facility for the actual cost of all authorized care and services from the appropriation under s. 20.435 (4) (7) (da). For collections made under the authority of s. 46.10 (16), moneys shall be credited or remitted to the department no later than 60 days after the month in which collections are made. Such collections are also subject to s. 46.036 or special agreement. Collections made by the department under ss. 46.03 (18) and 46.10 shall be deposited in the general fund.

SECTION 1578. 51.30 (4) (b) 12 of the statutes is amended to read:

51.30 (4) (b) 12. To a correctional officer of the department of corrections who has custody of or is responsible for the supervision of an individual who is transferred or discharged from a treatment facility. Records released under this subdivision are limited to notice of the subject individual's change in status.

SECTION 1578m. 51.30 (4) (b) 18 of the statutes is amended to read:

51.30 (4) (b) 18. To staff members of the protection and advocacy agency designated under s. 51.62 (2) or to staff members of the private, nonprofit corporation with which the agency has contracted under s. 51.62 (3) (a) 3, if any, for the purpose of protecting and

advocating the rights of persons with developmental disabilities, as defined under s. 51.62 (1) (a), or mental illness, as defined under s. 51.62 (1) (bm), except that, if the patient has a guardian appointed under s. 880.33, information concerning the patient obtainable by staff members of the agency or nonprofit corporation with which the agency has contracted is limited to the nature of an alleged rights violation, if any, name, birth date and county of residence of the patient, information regarding whether the patient was voluntarily admitted, involuntarily committed or protectively placed and the date and place of admission, placement or commitment, and the name and address and telephone number of any guardian of the patient and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's guardian in writing of the request and of the guardian's right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within 15 days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within 15 days after the notice is mailed, the staff member may not obtain the additional information.

SECTION 1579. 51.30 (4) (b) 22 of the statutes is created to read:

51.30 (4) (b) 22. To a representative of the board on aging and long-term care, in accordance with s. 49.498 (5) (e).

SECTION 1580. 51.35 (3) (a) of the statutes is amended to read:

51.35 (3) (a) A licensed physician or licensed psychologist of a juvenile correctional facility under s. ~~48.52~~ 48.557 or a licensed physician or licensed psychologist of the department of corrections, who has reason to believe that any individual confined in the facility is, in his or her opinion, in need of services for developmental disability, alcoholism or drug dependency or in need of psychiatric services, and who has obtained voluntary consent to make a transfer for treatment, shall make a report, in writing, to the superintendent of the facility, stating the nature and basis of the belief and verifying the consent. In the case of a minor age 14 and over, the minor and the minor's parent or guardian shall consent unless the minor is admitted under s. 51.13 (1) (c); and in the case of a minor under the age of 14, only the minor's parent or guardian need consent. The superintendent shall inform, orally and in writing, the minor and the minor's parent or guardian, that transfer is being considered and shall inform them of the basis for the request and their rights as provided in s. 51.13 (3). If the department of corrections, upon review of a request for transfer, determines that transfer is appropriate, it shall immediately notify the department of health and social services and, if the department of health and social services consents, the department of

corrections may immediately transfer the individual ~~and~~. The department of health and social services shall file a petition under s. 51.13 (4) (a) in the court assigned to exercise jurisdiction under ch. 48 of the county where the treatment facility is located.

SECTION 1581. 51.35 (3) (c) of the statutes is amended to read:

51.35 (3) (c) A licensed physician or licensed psychologist of a juvenile correctional facility or of the department of corrections, who has reason to believe that any individual confined in the facility is, in his or her opinion, mentally ill, drug dependent or developmentally disabled, and is dangerous as defined in s. 51.20 (1) (a) 2, or is an alcoholic and is dangerous as defined in s. 51.45 (13) (a), shall file a written report with the superintendent of the facility, stating the nature and basis of the belief. If the superintendent, upon review of the allegations in the report, determines that transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45 in the court assigned to exercise jurisdiction under ch. 48 of the county where the correctional facility is located. The court shall hold a hearing according to procedures provided in s. 51.20 or 51.45 (13).

SECTION 1582. 51.35 (3) (e) of the statutes is amended to read:

51.35 (3) (e) The department of corrections may authorize emergency transfer of an individual from a juvenile correctional facility to a state treatment facility if there is cause to believe that ~~such the~~ individual is mentally ill, drug dependent or developmentally disabled and exhibits conduct which constitutes a danger as defined in s. 51.20 (1) (a) 2 to the individual or to others, or is an alcoholic and is dangerous as provided in s. 51.45 (13) (a) 1 and 2. The correctional custodian of the sending institution shall execute a statement of emergency detention or petition for emergency commitment for ~~such the~~ individual and deliver it to the receiving state treatment facility. The department of health and social services shall file the statement or petition with the court within 24 hours after the subject individual is received for detention or commitment. ~~Such The~~ statement or petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made, the director of the receiving facility may file a petition for continued commitment under s. 51.20 (1) or 51.45 (13) or may return the individual to the institution from which the transfer was made. As an alternative to this procedure, the procedure provided in s. 51.15 or 51.45 (12) may be used, except that no prisoner may be released without the approval of the court which directed confinement in the correctional facility.

SECTION 1583. 51.37 (5) (a) of the statutes is amended 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 of corrections reports in writing to the officer in charge of a jail or institution that any pris-

oner is, in his or her opinion, mentally ill, drug dependent, or developmentally disabled and is appropriate for treatment as provided 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 of corrections which may transfer the prisoner if a voluntary application is made, and if ~~not the department of health and social services consents.~~ If voluntary application is not made, the department of corrections may 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. (3) or s. 51.37 (2), 1983 stats., shall be included as part of the individual's sentence.

SECTION 1584. 51.37 (5) (b) of the statutes is amended to read:

51.37 (5) (b) The department of corrections may authorize an emergency transfer of an individual from a prison, jail or other criminal detention facility to a state treatment facility if there is cause to believe that ~~such the~~ individual is mentally ill, drug dependent or developmentally disabled and exhibits conduct which constitutes a danger as defined in s. 51.20 (1) (a) 2 of physical harm to himself or herself or to others, or is an alcoholic and is dangerous as provided in s. 51.45 (13) (a) 1 and 2. The correctional custodian of the sending institution shall execute a statement of emergency detention or petition for emergency commitment for ~~such the~~ individual and deliver it to the receiving state treatment facility. The department of health and social services shall file the statement or petition with the court within 24 hours after receiving the subject individual for detention. ~~Such The~~ statement or petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made, the director of the receiving facility may file a petition for continued commitment under s. 51.20 (1) or 51.45 (13) or may return the individual to the institution from which the transfer was made. As an alternative to this procedure, the emergency detention procedure in s. 51.15 or 51.45 (12) may be used, except that no prisoner may be released without the approval of the court which directed confinement in the institution.

SECTION 1585. 51.37 (8) (a) of the statutes is amended to read:

51.37 (8) (a) Rights to reexamination under s. 51.20 (16) apply to a prisoner or inmate who is found to be mentally ill or drug dependent except that the petition shall be made to the court ~~which that~~ made the finding or, if the prisoner or inmate is detained by transfer, to the circuit court of the county in which he or she is detained. If upon rehearing it is found that the standards for recommitment under s. 51.20 (13) (g) no longer apply to the prisoner or inmate or that he or she is not in need of psychiatric or psychological treatment, the prisoner or inmate shall be returned to the

prison or county jail or house of correction unless it is past his or her release date as determined under s. ~~53.44~~ 302.11, in which case he or she shall be discharged.

SECTION 1586. 51.37 (8) (b) of the statutes is amended to read:

51.37 (8) (b) If the condition of any prisoner or inmate committed or transferred under this section requires psychiatric or psychological treatment after his or her date of release as determined under s. ~~53.44~~ 302.11, the director of the state treatment facility shall, within a reasonable time before the release date of the prisoner or inmate, make a written application to the court which committed the prisoner or inmate 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 or any county jail or house of correction may be appointed as an examiner. If the court does not commit the prisoner or inmate, it may dismiss the application and order the prisoner or inmate returned to the institution from which he or she was transferred until the release date of the prisoner or inmate. If the court commits the prisoner or inmate for the period commencing upon his or her release date, ~~such the~~ commitment shall be to the care and custody of the county department under s. 51.42 or 51.437.

SECTION 1587. 51.37 (9) of the statutes is amended to read:

51.37 (9) If in the judgment of the director of Mendota mental health institute, Winnebago mental health institute or the Milwaukee county mental health complex, 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 of health and social services, the committing court and the district attorney of the county in which the court is located his or her reasons for ~~such the~~ 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 of health and social services, conditionally transfer any person to a legal guardian or other person, subject to the rules of the department of health and social services and the department of corrections. Before a person is conditionally transferred or discharged under supervision under this subsection, the department of health and social services shall so notify the municipal police department and county sheriff for the area where the person will be residing. The notification requirement does not apply if a municipal department or county sheriff submits to the department of health and social services a written statement waiving the right to be notified. The department of health and social services may require that a person transferred or discharged under this sub-

section be supervised by probation and parole agents of the department of corrections.

SECTION 1588. 51.37 (10) (e) of the statutes is amended to read:

51.37 (10) (e) The director of the facility in which the patient under par. (a) is detained or committed shall notify the committing court and the appropriate correctional officers of the department of corrections of the intention to grant a home visit or leave under this subsection at least 20 days prior to the departure of the patient from the facility.

SECTION 1589. 51.37 (11) of the statutes is amended to read:

51.37 (11) When an individual who is in the custody of or under the supervision of a correctional officer of the department of corrections is transferred, discharged or is on unauthorized absence from a treatment facility, the probation ~~or~~ and parole agent or other individual within the department of corrections who is responsible for that individual's supervision shall be notified as soon as possible by the director of the treatment facility.

SECTION 1590. 51.40 (1) (j) of the statutes is amended to read:

51.40 (1) (j) "State facility" means a state mental health institute, center for the developmentally disabled, prison as specified in s. ~~53.04~~ 302.01 or a facility that is operated directly by the department of health and social services or the department of corrections.

SECTION 1591. 51.40 (2) (a) of the statutes is renumbered 51.40 (2) (a) 1.

SECTION 1592. 51.40 (2) (a) (title) of the statutes is created to read:

51.40 (2) (a) (title) *Directed placement.*

SECTION 1593. 51.40 (2) (b) of the statutes is renumbered 51.40 (2) (a) 2.

SECTION 1594. 51.40 (2) (b) (intro.) of the statutes is created to read:

51.40 (2) (b) *Other admissions.* (intro.) If par. (a) does not apply, one of the following shall apply:

SECTION 1595. 51.40 (2) (c) of the statutes is renumbered 51.40 (2) (b) 1 and amended to read:

51.40 (2) (b) 1. 'Individuals in state facilities.' ~~Except as provided in pars. (a), (b) and (f), an An~~ individual who is in a state facility is a resident of the county in which he or she was a resident at the time the admission to the state facility was made. This ~~paragraph subdivision~~ may not be applied to change residence from a county, other than the county in which the facility is located, which has accepted responsibility for or provided services to the individual prior to August 1, 1987.

SECTION 1596. 51.40 (2) (d) and (e) 1 of the statutes are consolidated, renumbered 51.40 (2) (b) 2. (intro.) and amended to read:

51.40 (2) (b) 2. (title) 'Individuals in nursing homes.' (intro.) An individual in a nursing home who

was admitted to the nursing home on or after August 1, 1987, is a resident of the county which approved the admission under s. 50.04 (2r). ~~(e) 1. Except as provided in pars. (a) and (b) and subd. 2, an An~~ individual in a nursing home on August 1, 1987, is presumed to be a resident of the county in which the individual is physically present unless another county accepts the individual as a resident. The presumption of residence is may be overcome only by substantial evidence which clearly establishes residence in another county ~~under subd. 2 or 3, in one of the following ways:~~

SECTION 1597. 51.40 (2) (e) (title) and 2. (intro.) of the statutes are repealed.

SECTION 1598. 51.40 (2) (e) 2. a of the statutes is renumbered 51.40 (2) (b) 2. a and amended to read:

51.40 (2) (b) 2. a. The individual ~~is capable of indicating intent or has a guardian of the person; the individual~~ had an established residence in ~~the another~~ county ~~other than the county in which he or she is physically present~~ prior to entering a the nursing home; the individual or the individual's guardian, if any, indicates an intent that the individual will return to ~~the that county other than the county in which he or she is physically present~~ when the purpose of entering a the nursing home has been accomplished or when needed care and services can be obtained in the other county; and the individual, at a time when capable of indicating intent, or a guardian for the individual, has made no clearly documented expression to a court or county department of an intent to establish residence elsewhere since leaving ~~the that county other than the county in which he or she is physically present.~~

SECTION 1599. 51.40 (2) (e) 2. b of the statutes is renumbered 51.40 (2) (b) 2. b and amended to read:

51.40 (2) (b) 2. b. The individual is incapable of indicating intent as determined by the county department, and has no guardian, ~~the individual ordinarily resides in the other another~~ county, and ~~the individual is in the county in which he or she is physically present for a temporary purpose that is expected to last for no more than one year, after which the individual is expected to return to the that county other than the county in which he or she is physically present within one year.~~

SECTION 1600. 51.40 (2) (e) 2. c of the statutes is repealed.

SECTION 1601. 51.40 (2) (e) 2. d of the statutes is renumbered 51.40 (2) (b) 2. c and amended to read:

51.40 (2) (b) 2. c. The Another county ~~other than the county in which he or she is physically present~~ has accepted responsibility for or provided services to the individual prior to August 1, 1987.

SECTION 1602. 51.40 (2) (e) 2. e of the statutes is renumbered 51.40 (2) (b) 2. d and amended to read:

51.40 (2) (b) 2. d. The individual is incapable of indicating intent; the individual was living in the another county ~~other than the county in which he or she is physically present~~ outside of a nursing home or

state facility on December 1, 1982, or ~~during a period of time after December 1, 1982,~~ under circumstances which established residence in ~~the that~~ county ~~other than the county in which he or she is physically present after December 1, 1982; and the that county other than the county in which he or she is physically present~~ was the last county in which the individual had residence while living outside of a nursing home or state facility.

SECTION 1603. 51.40 (2) (e) 3 of the statutes is repealed.

SECTION 1604. 51.40 (2) (f) of the statutes is repealed and recreated to read:

51.40 (2) (f) *Exception; county of guardian's residence.* Notwithstanding pars. (a) and (b), an individual in a nursing home or state facility who is incapable of indicating intent and whose parent or sibling serves as his or her guardian is a resident of the guardian's county of residence if the state facility or nursing home is located in that county or if the guardian states in writing that the individual is expected to return to the guardian's county of residence when the purpose of entering the state facility or nursing home has been accomplished or when needed care and services can be obtained in that county.

SECTION 1605. 51.42 (1) (b) of the statutes is amended to read:

51.42 (1) (b) *County liability.* The county board of supervisors has the primary responsibility for the well-being, treatment and care of the mentally ill, developmentally disabled, alcoholic and other drug dependent citizens residing within its county and for ensuring that those individuals in need of such emergency services found within its county receive immediate emergency services. County liability for care and services purchased through or provided by a county department of community programs established under this section shall be based upon the client's county of residence except for emergency services for which liability shall be placed with the county in which the individual is found. For the purpose of establishing county liability, "emergency services" includes those services provided under the authority of s. 51.15, 51.45 (11) (a) or (b) or (12), 55.05 (4) or 55.06 (11) (a) for not more than 72 hours. Nothing in this paragraph prevents recovery of liability under s. 46.10 or any other statute creating liability upon the individual receiving a service or any other designated responsible party, or prevents reimbursement by the department of health and social services for the actual cost of all care and services from the appropriation under s. 20.435 (4) (7) (da), as provided in s. 51.22 (3).

SECTION 1606. 51.42 (3) (ar) 1 of the statutes is amended to read:

51.42 (3) (ar) 1. Enter into contracts to render services to or secure services from other agencies or resources including out-of-state agencies or resources. Notwithstanding ss. 59.07 (44), 59.456 and ~~59.47~~ 978.05, any multicounty department of community

programs may contract for professional legal services that are necessary to carry out the duties of the multicounty department of community programs if the corporation counsel of each county of the multicounty department of community programs has notified the multicounty department of community programs that he or she is unable to provide ~~such~~ those services in a timely manner.

SECTION 1606k. 51.42 (3) (ar) 3 of the statutes is amended to read:

51.42 (3) (ar) 3. Plan for and establish a community developmental disabilities program to deliver the services required under s. 51.437 if, under s. 51.437 (4g) (b), the county board of supervisors in a county with a single-county department of community programs or the county boards of supervisors in counties with a multicounty department of community programs transfer the powers and duties of the county department under s. 51.437 to the county department of community programs. The county board of supervisors in a county with a single-county department of community programs and the county boards of supervisors in counties with a multicounty department of community programs may designate the county department of community programs to which these powers and duties have been transferred as the administrative agency of the long-term support community options program ~~as permitted under s. 46.27 (3) (b) 1 and 5 (4m), and the community integration programs under ss. 46.275, 46.277 and 46.278.~~

SECTION 1606m. 51.42 (3) (ar) 14 of the statutes is created to read:

51.42 (3) (ar) 14. If the county board of supervisors establishes an integrated service program for children with severe disabilities under s. 59.07 (147), participate in and may administer an integrated service program for children with severe disabilities under s. 59.07 (147), including entering into any written interagency agreements or contracts.

SECTION 1607. 51.42 (3) (as) 1 of the statutes is amended to read:

51.42 (3) (as) 1. A county department of community programs shall authorize all care of any patient in a state, local or private facility under a contractual agreement between the county department of community programs and the facility, unless the county department of community programs governs the facility. The need for inpatient care shall be determined by the program director or designee in consultation with and upon the recommendation of a licensed physician trained in psychiatry and employed by the county department of community programs or its contract agency. In cases of emergency, a facility under contract with any county department of community programs shall charge the county department of community programs having jurisdiction in the county where the patient is found. The county department of community programs shall reimburse the facility for the actual cost of all authorized care and services less applicable collections under s. 46.036,

Vetoed
in Part

unless the department of health and social services determines that a charge is administratively infeasible, or unless the department of health and social services, after individual review, determines that the charge is not attributable to the cost of basic care and services. A county department of community programs may not reimburse any state institution or receive credit for collections for care received therein by nonresidents of this state, interstate compact clients, transfers under s. 51.35 (3), and transfers from Wisconsin state prisons under s. 51.37 (5) (a), commitments under s. 971.14, 971.17, 975.01, 1977 stats., 975.02, 1977 stats., 975.06 or admissions under s. 975.17, 1977 stats., or children placed in the guardianship or legal custody of the department of health and social services or the department of corrections under s. 48.355, 48.427 or 48.43. The exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs which are attributable to care and treatment of the client.

SECTION 1607m. 51.42 (7) (a) 6 of the statutes is created to read:

Vetoed in Part 51.42 (7) (a) 6. Provide, as available after provision of services under s. 51.05 (6), ~~and of the following:~~

Vetoed in Part a. ~~Specialized mental health outpatient and follow-up services appropriate for hearing-impaired mentally ill individuals, including advocacy training relating to the rights of mentally ill individuals, to hearing-impaired mentally ill individuals who are eligible for services under this section.~~

Vetoed in Part b. Technical assistance to a county department of community programs concerning provision of services to hearing-impaired mentally ill individuals in the county who are eligible for services under this subdivision.

~~SECTION 1607n. 51.42 (7) (a) 7 of the statutes is created to read:~~

~~51.42 (7) (a) 7. Meet periodically with a group composed of providers of services under subd. 6 and concerned citizens who represent deaf and hearing-impaired mentally ill individuals in this state, and consider any recommendations offered to the department by this group.~~

SECTION 1607u. 51.421 (4) of the statutes is created to read:

51.421 (4) GRANTS. From the appropriation under s. 20.435 (7) (bh), the department shall award grants to county departments under s. 51.42 for the purpose of enabling community support programs to meet the requirements for certification under s. 49.45 (2) (a) 11 as medical assistance providers. In awarding grants under this subsection, the department shall give first priority to providing grants to county departments under s. 51.42 serving geographical areas in which no community support program meets requirements for certification under s. 49.45 (2) (a) 11.

SECTION 1608. 51.423 (1) of the statutes is amended to read:

51.423 (1) The department shall fund, within the limits of the department's allocation for mental health services under s. 20.435 (4) (7) (b) and (c) and subject to this section, services for mental illness, developmental disability, alcoholism and drug abuse to meet standards of service quality and accessibility. The department's primary responsibility is to guarantee that county departments established under either s. 51.42 or 51.437 receive a reasonably uniform minimum level of funding and its secondary responsibility is to fund programs which meet exceptional community needs or provide specialized or innovative services. Moneys appropriated under s. 20.435 (4) (7) (b) and earmarked by the department for mental health services under s. 20.435 (4) (7) (c) shall be allocated by the department to county departments under s. 51.42 or 51.437 in the manner set forth in this section.

SECTION 1609. 51.423 (2) of the statutes is amended to read:

51.423 (2) From the appropriations under s. 20.435 (4) (7) (b) and (c), the department shall allocate the funding for services provided or purchased by county departments under s. 46.23, 51.42 or 51.437 to such county departments as provided under s. 46.40. County matching funds are required for the allocations under s. 46.40 (1), (2), and (5) to (9) ~~and (11)~~. Before January 1, 1988, the ratio of state and federal funds to county matching funds shall equal 91 to 9. Beginning January 1, 1988, each county's required match for a year equals 9.89% of the total of the county's allocations for that year for which matching funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile delinquency-related services from its allocation for 1987. Matching funds may be from county tax levies, federal and state revenue sharing funds or private donations to the counties that meet the requirements specified in sub. (5). Private donations may not exceed 25% of the total county match. If the county match is less than the amount required to generate the full amount of state and federal funds allocated for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

SECTION 1610. 51.423 (9) of the statutes is amended to read:

51.423 (9) If the funds appropriated under s. 20.435 (4) (7) (b) for any fiscal year are insufficient to provide county departments with the sums calculated under subs. (1) to (7), the appropriation shall be allocated among county departments in proportion to the sums they would receive under subs. (1) to (7).

SECTION 1611. 51.423 (11) of the statutes is amended to read:

51.423 (11) Each county department under s. 51.42 or 51.437, or both, shall apply all funds it receives under subs. (1) to (7) to provide the services required

under ss. 51.42, 51.437 and 51.45 (2) (g) to meet the needs for service quality and accessibility of the persons in its jurisdiction, except that the county department may pay for inpatient treatment only with funds designated by the department for inpatient treatment. The county department may expand programs and services with county funds not used to match state funds under this section subject to the approval of the county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with multicounty departments and with other local or private funds subject to the approval of the department and the county board of supervisors in a county with a single-county department under s. 51.42 or 51.437 or the county boards of supervisors in counties with a multicounty department under s. 51.42 or 51.437. The county board of supervisors in a county with a single-county department under s. 51.42 or 51.437 or the county boards of supervisors in counties with a multicounty department under s. 51.42 or 51.437 may delegate the authority to expand programs and services to the county department under s. 51.42 or 51.437. The county department under s. 51.42 or 51.437 shall report to the department all county funds allocated to the county department under s. 51.42 or 51.437 and the use of such funds. Moneys collected under s. 46.10 shall be applied to cover the costs of primary services, exceptional and specialized services or to reimburse supplemental appropriations funded by counties. County departments under ss. 51.42 and 51.437 shall include collections made on and after October 1, 1978, by the department that are subject to s. 46.10 (8m) (b) and (c) and are distributed to county departments under ss. 51.42 and 51.437 under s. 20.435 (4) (7) (gg), as revenues on their grant-in-aid expenditure reports to the department.

SECTION 1612. 51.437 (4m) (f) of the statutes is amended to read:

51.437 (4m) (f) Enter into contracts to provide or secure services from other agencies or resources including out-of-state agencies or resources. Notwithstanding ss. 59.07 (44), 59.456 and ~~59.47~~ 978.05, any multicounty department of developmental disabilities services may contract for professional legal services that are necessary to carry out the duties of the multicounty department of developmental disabilities services if the corporation counsel of each county of the multicounty department of developmental disabilities services has notified the multicounty department of developmental disabilities services that he or she is unable to provide ~~such~~ those services in a timely manner.

SECTION 1612k. 51.437 (4m) (m) of the statutes is created to read:

51.437 (4m) (m) If the county board of supervisors establishes an integrated service program for children with severe disabilities under s. 59.07 (147), participate in an integrated service program for children with severe disabilities under s. 59.07 (147), including enter-

ing into any written interagency agreements or contracts.

SECTION 1612p. 51.437 (4r) (c) of the statutes is created to read:

51.437 (4r) (c) May administer an integrated service program for children with severe disabilities under s. 59.07 (147), if the county board of supervisors establishes an integrated service program for children with severe disabilities.

SECTION 1613. 51.437 (4rm) (a) of the statutes is amended to read:

51.437 (4rm) (a) A county department of developmental disabilities services shall authorize all care of any patient in a state, local or private facility under a contractual agreement between the county department of developmental disabilities services and the facility, unless the county department of developmental disabilities services governs the facility. The need for inpatient care shall be determined by the program director or designee in consultation with and upon the recommendation of a licensed physician trained in psychiatry and employed by the county department of developmental disabilities services or its contract agency prior to the admission of a patient to the facility except in the case of emergency services. In cases of emergency, a facility under contract with any county department of developmental disabilities services shall charge the county department of developmental disabilities services having jurisdiction in the county where the individual receiving care is found. The county department of developmental disabilities services shall reimburse the facility for the actual cost of all authorized care and services less applicable collections under s. 46.036, unless the department of health and social services determines that a charge is administratively infeasible, or unless the department of health and social services, after individual review, determines that the charge is not attributable to the cost of basic care and services. The exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs which are attributable to care and treatment of the client. County departments of developmental disabilities services may not reimburse any state institution or receive credit for collections for care received therein by nonresidents of this state, interstate compact clients, transfers under s. 51.35 (3) (a), commitments under s. 971.14, 971.17, 975.01, 1977 stats., 975.02, 1977 stats., 975.06, admissions under s. 975.17, 1977 stats., or children placed in the guardianship or legal custody of the department of health and social services or the department of corrections under s. 48.355, 48.427 or 48.43.

SECTION 1613m. 51.45 (5) of the statutes is created to read:

51.45 (5) COMMUNITY ALCOHOL AND OTHER DRUG ABUSE PREVENTION PILOT PROGRAM. (a) In this section, "primary prevention" means a process which promotes health by providing individuals with the resources that are necessary for them to confront com-

plex, stressful life conditions and by enabling individuals to lead personally satisfying and enriching lives.

(b) The department shall select, upon application by counties, county departments under s. 46.215, 46.22, 46.23, 51.42 or 51.437 in up to 8 counties representing various geographical regions and populations and shall, from the appropriation under s. 20.435 (7) (q) allocate up to \$500,000 in state fiscal year 1990-91 to the selected county departments to participate in a pilot program to implement and coordinate alcohol and other drug abuse programs and services relating to primary prevention. The county department in each county receiving funding under this paragraph shall appoint or contract with an alcohol and other drug abuse prevention specialist whose duties shall include all of the following:

1. Inform and educate the community about alcohol and other drug abuse issues.

2. Develop and implement community-wide alcohol and other drug abuse programs relating to primary prevention.

3. Ensure that youth alcohol and other drug abuse services and programs relating to primary prevention are available when school is not in session.

4. Develop and implement alternative activities for youth, as appropriate or necessary, including recreation, building of skills to obtain employment and career development.

(c) County matching funds equal to 9.89% of the total received by a county department under par. (b) are required for receipt of the allocation under par. (b).

(d) The department shall:

1. Ensure that each county receiving funding under par. (b) has in place not later than 12 months from the date the county initially receives the funding a coordinating council whose duties shall include the coordination of alcohol and other drug abuse activities relating to primary prevention with school districts, community service and treatment providers in the community, courts assigned to exercise jurisdiction under ch. 48, law enforcement agencies, parents, children and the alcohol and other drug abuse prevention specialist.

2. Promulgate rules establishing minimum qualifications for alcohol and other drug abuse prevention specialists appointed under par. (b).

3. Ensure that funds distributed to counties under par. (b) are not used to supplant federal, state or county funds for alcohol or other drug abuse programs relating to primary prevention.

SECTION 1614. 51.45 (16) (b) of the statutes is amended to read:

51.45 (16) (b) Payment for treatment of persons treated under s. ~~53.38~~ 302.38 shall be made under that section.

SECTION 1615. 51.61 (1) (intro.) of the statutes is amended to read:

51.61 (1) (intro.) In this section, "patient" means any individual who is receiving services for mental illness, developmental disabilities, alcoholism or drug dependency, including any individual who is admitted to a treatment facility in accordance with this chapter or ch. 55 or who is detained, committed or placed under this chapter or ch. 55, 971 or 975, or who is transferred to a treatment facility under s. 51.35 (3) or 51.37 or who is receiving care or treatment for ~~such~~ those conditions through the department or a county department under s. 51.42 or 51.437 or in a private treatment facility. "Patient" does not include persons committed under ch. 975 who are transferred to or residing in any state prison listed under s. ~~53.04~~ 302.01. In private hospitals and in public general hospitals, "patient" includes any individual who is admitted for the primary purpose of treatment of mental illness, developmental disability, alcoholism or drug abuse but does not include an individual who receives treatment in a hospital emergency room nor an individual who receives treatment on an outpatient basis at ~~such~~ those hospitals, unless the individual is otherwise covered under this subsection. Except as provided in sub. (2), each patient shall:

SECTION 1615g. 51.61 (1) (g) 2 to 4 of the statutes are amended to read:

51.61 (1) (g) 2. At or after the hearing to determine probable cause for commitment but prior to the final commitment order, the court shall, upon the motion of any interested person, and may, upon its own motion, hold a hearing to determine whether there is probable cause to believe that the individual is not competent to refuse medication or treatment and whether the medication or treatment will have therapeutic value and will not unreasonably impair the ability of the individual to prepare for or participate in subsequent legal proceedings. If the court determines that there is probable cause to believe the allegations under this subdivision, the court shall issue an order permitting medication or treatment to be administered to the individual regardless of his or her consent. The order shall apply to the period between the date of the issuance of the order and the date of the final order under s. 51.20 (13), unless the court dismisses the petition for commitment or specifies a shorter period. The hearing under this subdivision shall meet the requirements of s. 51.20 (5), except for the right to a jury trial.

3. Following a final commitment order, have the right to exercise informed consent with regard to all medication and treatment unless the committing court or the court in the county in which the individual is located, within 10 days after the filing of the motion of any interested person and with notice of the motion to the individual's counsel, if any, the individual and the applicable counsel under s. 51.20 (4), makes a determination, following a hearing, that the person individual is not competent to refuse medication or treatment or unless a situation exists in which the medication or

treatment is necessary to prevent serious physical harm to the patient individual or others. A report, if any, on which the motion is based shall accompany the motion and notice of motion and shall include a statement signed by a licensed physician that asserts that the subject individual needs medication or treatment and that the individual is not competent to refuse medication or treatment, based on an examination of the individual by a licensed physician. The hearing under this subdivision shall meet the requirements of s. 51.20 (5), except for the right to a jury trial. At the request of the subject individual, the individual's counsel or applicable counsel under s. 51.20 (4), the hearing may be postponed, but in no case may the postponed hearing be held more than 20 days after a motion is filed.

4. For purposes of a determination under subd. 2 or 3, an individual is not competent to refuse medication or treatment if, because of mental illness, developmental disability, alcoholism or drug dependence, the individual is incapable of expressing an understanding of the advantages and disadvantages of accepting medication or treatment, and the alternatives to accepting the particular medication or treatment offered, after the advantages, disadvantages and alternatives have been explained to the individual.

SECTION 1615m. 51.62 (3) (a) 2m of the statutes is created to read:

51.62 (3) (a) 2m. Have immediate access to any person with mental illness or developmental disability, regardless of age, who has requested services or on whose behalf services have been requested from the protection and advocacy agency or concerning whom the protection and advocacy agency has reasonable cause to believe that abuse, neglect or a violation of rights has occurred.

SECTION 1616. Chapter 53 (title) of the statutes is renumbered chapter 302 (title).

SECTION 1617m. 53.01 of the statutes is amended to read:

53.01 State prisons named and defined. 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/maximum penitentiary at Portage is named "Columbia Correctional Institution". The medium security institution at Oshkosh is named "Oshkosh 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 resource facility at Oshkosh is named "Wisconsin Resource Center". The institutions named in this section, the correctional institution authorized under s. 46.05 (1o), correctional institution authorized under s. 46.046 (1),

minimum security correctional institutions authorized under s. 46.045, and state-local shared correctional facilities when established under s. 46.053, are state prisons.

SECTION 1617n. 53.01 of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 302.01 and amended to read:

302.01 State prisons named and defined. 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/maximum penitentiary at Portage is named "Columbia Correctional Institution". The medium security institution at Oshkosh is named "Oshkosh 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 resource facility at Oshkosh is named "Wisconsin Resource Center". The institutions named in this section, the correctional institution authorized under s. 46.05 301.16 (1o), correctional institution under s. 46.046 301.046 (1), minimum security correctional institutions authorized under s. 46.045 301.13, and state-local shared correctional facilities when established under s. 46.053 301.14, are state prisons.

SECTION 1618. 53.02 of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 302.02, and 302.02 (3m), (3t), (4x) and (5) (a), as renumbered, are amended to read:

302.02 (3m) (title) CORRECTIONAL INSTITUTION UNDER SECTION 301.16. For all purposes of discipline and for judicial proceedings, the correctional institutions authorized under s. 46.05 301.16 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.

(3t) MINNESOTA INSTITUTIONS. For all purposes of discipline and for judicial proceedings, each Minnesota institution authorized for use under s. 46.051 301.21 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 any activity, wherever located, conducted by such Minnesota institution.

(4x) CORRECTIONAL INSTITUTION; COMMUNITY RESIDENTIAL CONFINEMENT. For all purposes of discipline and judicial proceedings the correctional institution under s. 46.046 301.046 (1) and precincts thereof shall be deemed, as to each inmate, to be in the county in which the inmate is confined, 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 the institution under s. ~~46.046~~ 301.046 (1) wherever located is a precinct of the institution.

(5) (a) Service of process may be made on the warden or superintendent of any prison named in s. ~~53.01~~ 302.01 as upon any other resident of this state.

SECTION 1618m. 53.02 (4x) of the statutes is created to read:

53.02 (4x) CORRECTIONAL INSTITUTION; COMMUNITY RESIDENTIAL CONFINEMENT. For all purposes of discipline and judicial proceedings the correctional institution under s. 46.046 (1) and precincts thereof shall be deemed, as to each inmate, to be in the county in which the inmate is confined, 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 the institution under s. 46.046 (1) wherever located is a precinct of the institution.

SECTION 1619. 53.03 of the statutes is renumbered 302.03.

SECTION 1620. 53.04 of the statutes is renumbered 302.04.

SECTION 1621. 53.05 of the statutes is repealed.

SECTION 1622. 53.055 of the statutes is renumbered 302.055 and amended to read:

302.055 Transfer of inmates to resource center. The department may transfer an inmate from a prison, jail or other criminal detention facility to the Wisconsin resource center if there is reason to believe that the inmate is in need of individualized care. The inmate is entitled to a transfer hearing by the department on the transfer to the Wisconsin resource center. ~~Inmates who are admitted for involuntary treatment of mental illness, developmental disabilities, alcoholism or other drug abuse must be admitted under s. 51.37 (5).~~

SECTION 1623. 53.06 of the statutes is renumbered 302.06.

SECTION 1624. 53.07 of the statutes is renumbered 302.07.

SECTION 1625. 53.08 of the statutes is renumbered 302.08.

SECTION 1626. 53.09 of the statutes is renumbered 302.09 and amended to read:

302.09 Labor and communications. Inmates shall be employed as provided in ch. ~~56~~ 303. Communication shall not be allowed between inmates and any person outside the prison except as prescribed by the prison regulations.

SECTION 1627. 53.095 of the statutes is renumbered 302.095.

SECTION 1628. 53.10 of the statutes is renumbered 302.10.

SECTION 1629. 53.11 of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered

302.11, and 302.11 (1m), (6) and (7), as renumbered, are amended to read:

302.11 (1m) An inmate serving a life term is not entitled to mandatory release. Except as provided in s. 973.014, the ~~department parole commission~~ may parole the inmate as specified in s. ~~57.06~~ 304.06 (1).

(6) Any inmate released on parole under sub. (1) or s. ~~57.06~~ 304.02 or 304.06 (1) is subject to all conditions and rules of parole until the expiration of the sentence or until he or she is discharged by the department. Except as provided in ch. ~~57~~ 304, releases from prison shall be on the Tuesday or Wednesday preceding the release date. The department may discharge a parolee on or after his or her mandatory release date or after 2 years of supervision.

(7) (a) ~~The department may~~ division of corrections hearings in the department of administration, upon proper notice and hearing, or the department of corrections, if the parolee waives a hearing, may return a parolee released under either sub. (1) or s. 57.06 304.02 or 304.06 (1) to prison for a period up to the remainder of the sentence for a violation of the conditions of parole. The remainder of the sentence is the entire sentence, less time served in custody prior to parole. The revocation order shall provide the parolee with credit in accordance with ss. 57.072 304.072 and 973.155.

(b) A parolee returned to prison for violation of the conditions of parole shall be incarcerated for the entire period of time determined by the department of corrections in the case of a waiver or the division of corrections hearings in the department of administration in the case of a hearing under par. (a), unless paroled earlier under par. (c). The parolee is not subject to mandatory release under sub. (1). The period of time determined under par. (a) may be extended in accordance with sub. (2).

(c) ~~The department parole commission~~ may subsequently parole, under s. ~~57.06~~ 304.06 (1), and the department may subsequently parole, under s. 304.02, a parolee who is returned to prison for violation of a condition of parole.

(d) A parolee who is subsequently released either after service of the period of time determined by the department of corrections in the case of a waiver or the division of corrections hearings in the department of administration in the case of a hearing under par. (a) or by a grant of parole under par. (c) is subject to all conditions and rules of parole until expiration of sentence or discharge by the department.

SECTION 1630. 53.11 (1p) of the statutes is created to read:

53.11 (1p) An inmate serving a term subject to s. 161.49 (2) is entitled to mandatory release, except the inmate may not be released before he or she has complied with s. 161.49 (2).

SECTION 1631. 53.12 of the statutes is renumbered 302.12, and 302.12 (1), as renumbered, is amended to read:

302.12 (1) The department may provide by rule for the payment of money to inmates. The rate may vary for different prisoners in accordance with the pecuniary value of the work performed, willingness, and good behavior. The payment of money to inmates working in the prison industries shall be governed by s. ~~56.04~~ 303.01 (4).

SECTION 1632. 53.13 of the statutes is renumbered 302.13.

SECTION 1633. 53.14 of the statutes is renumbered 302.14 and amended to read:

302.14 Property of deceased inmates, parolees or probationers, disposition. When an inmate of a prison or a parolee of an institution or a person on probation to the department of health and social services dies leaving an estate of \$150 or less in the trust of the warden, the superintendent or the secretary, ~~such the~~ warden, superintendent or secretary shall ~~make effort try~~ to determine whether or not ~~such the~~ estate is to be probated. If probate proceedings are not commenced within 90 days, the warden, ~~the~~ superintendent or the secretary ~~is authorized and directed to shall~~ turn over the money or securities ~~in his hands~~ to the nearest of kin as evidenced by the records of the institution and the department.

SECTION 1634. 53.15 of the statutes is renumbered 302.15 and amended to read:

302.15 Activities off grounds. The wardens and superintendents of the state prisons, and all wardens and superintendents of county prisons, jails, camps and houses of correction enumerated in ch. ~~56~~ 303, may take inmates away from the institution grounds for rehabilitative and educational activities approved by the department and under such supervision as the superintendent or warden deems necessary. While away from the institution grounds an inmate is deemed to be under the care and control of the institution in which he or she is an inmate and subject to its rules and discipline.

SECTION 1635. 53.17 of the statutes is renumbered 302.17.

SECTION 1636. 53.18 of the statutes is renumbered 302.18, and 302.18 (1m), (3) and (6), as renumbered, are amended to read:

302.18 (1m) Inmates transferred to the Wisconsin resource center shall be afforded a transfer hearing under s. ~~53.055~~ 302.055.

(3) A prisoner may request the department to transfer him or her to a prison in another state under s. ~~53.25~~ 302.25.

(6) Inmates may be transferred under ss. ~~53.45~~ 302.45 and 973.035.

SECTION 1637. 53.185 of the statutes is renumbered 302.185.

SECTION 1638. 53.19 of the statutes is renumbered 302.19.

SECTION 1639. 53.20 of the statutes is renumbered 302.20.

SECTION 1640. 53.21 of the statutes is renumbered 302.21 and amended to read:

302.21 Vocational education program in auto body repair at the Green Bay correctional institution. (1) The department may maintain and operate a vocational education program in auto body repair at the Green Bay correctional institution. Notwithstanding s. ~~56.06~~ 303.06, in connection with the vocational education program the institution may receive from licensed automobile dealers and regularly established automobile repair shops vehicles to be repaired, painted or otherwise processed by residents enrolled in the program.

(2) Prices for repairing, painting or otherwise processing vehicles in the program shall be fixed as near as possible to the market value of the labor and materials furnished. Proceeds received from the repairing, painting or other processing of vehicles shall be deposited as provided in s. ~~20.435~~ (3) 20.410 (1) (kk) and shall be available to the institution to purchase materials, supplies and equipment necessary to operate the vocational education program in auto body repair.

SECTION 1641. 53.25 of the statutes is renumbered 302.25.

SECTION 1642. 53.255 of the statutes is renumbered 302.255 and amended to read:

302.255 Interstate corrections compact; additional applicability. "Inmate", as defined under s. ~~53.25~~ 302.25 (2) (a), includes persons subject to an order under s. 48.366 who are confined to a state prison under s. ~~53.04~~ 302.01.

SECTION 1643. 53.26 of the statutes is renumbered 302.26 and amended to read:

302.26 Corrections compact. The secretary is responsible for performing all functions necessary or incidental to carrying out the requirements of the interstate corrections compact under s. ~~53.25~~ 302.25. The secretary may delegate and redelegate any of the functions as provided in s. 15.02 (4). A contract involving the transfer of more than 10 prisoners to any one state in any fiscal year may be entered into under s. ~~53.25~~ 302.25 only if the contract is approved by the legislature by law or by the joint committee on finance.

SECTION 1644. 53.27 of the statutes is renumbered 302.27.

SECTION 1645. 53.30 of the statutes is renumbered 302.30 and amended to read:

302.30 Definition of jail. In ss. ~~53.30 to 53.43~~ 302.30 to 302.43, "jail" includes municipal prisons and rehabilitation facilities established under s. 59.07 (76) by whatever name they are known. In s. ~~53.37~~ 302.37 (1) (a) and (3) (a), "jail" does not include lockup facilities. "Lockup facilities" means those facilities of a tempo-

rary place of detention at a police station which are used exclusively to hold persons under arrest until they can be brought before a court, and are not used to hold persons pending trial who have appeared in court or have been committed to imprisonment for nonpayment of fines or forfeitures. In s. ~~53.365~~ 302.365, "jail" does not include rehabilitation facilities established under s. 59.07 (76).

SECTION 1646. 53.31 of the statutes is renumbered 302.31.

SECTION 1647. 53.315 of the statutes is renumbered 302.315.

SECTION 1648. 53.33 of the statutes is renumbered 302.33, and 302.33 (2) (a) 1, as renumbered, is amended to read:

302.33 (2) (a) 1. The department shall make payments under this paragraph beginning when an offender is detained in a county jail or other county facility pursuant only to a departmental hold and ending when the revocation process is completed and a final ~~departmental~~ departmental order of the department of corrections or the division of corrections hearings in the department of administration has been entered.

SECTION 1649. 53.34 of the statutes is renumbered 302.34 and amended to read:

302.34 Use of jail of another county. Courts, judges and officers of any county having no jail and no cooperative agreement under s. ~~53.44~~ 302.44 may sentence, commit or deliver any person to the jail of any other county as if that jail existed in their own county. The sheriff of the other county shall receive and keep the prisoner in all respects as if committed from his or her county. The cost of the keep shall be paid by the county from which the prisoner was sentenced, committed or delivered.

SECTION 1650. 53.35 of the statutes is renumbered 302.35.

SECTION 1651. 53.36 of the statutes is renumbered 302.36.

SECTION 1652. 53.365 of the statutes is renumbered 302.365.

SECTION 1653. 53.37 of the statutes is renumbered 302.37.

SECTION 1654. 53.375 of the statutes is renumbered 302.375, and 302.375 (2), as renumbered, is amended to read:

302.375 (2) Any prisoner who uses intoxicating liquor in violation of s. ~~53.37~~ 302.37 (2) shall be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

SECTION 1655c. 53.38 of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 302.38.

SECTION 1656d. 53.38 (3) of the statutes is renumbered ~~53.38 (3) (a)~~ and amended to read:

Vetoed in Part 53.38 (3) (a). The Except as provided in par. (b), the maximum amount that a governmental unit may pay

for the costs of medical or hospital care under this section is limited for that care to the amount payable by medical assistance under ss. 49.43 to 49.47, except s. 49.468, for care for which a medical assistance rate exists. No provider of medical or hospital care may bill a prisoner under sub. (1) for the cost of care exceeding the amount paid under this subsection by the governmental unit. If no medical assistance rate exists for the care provided, there is no limitation under this subsection.

~~SECTION 1656e. 53.38 (3) (b) of the statutes is created to read:~~

~~53.38 (3) (b). A county shall reimburse any city, village or town for the full cost of ambulance or other transportation service provided by the city, village or town for the transportation of a prisoner, held in the county jail under the state criminal laws or for contempt of court, to or from the county jail in connection with medical or hospital care for the prisoner.~~

SECTION 1657. 53.381 of the statutes is renumbered 302.381 and amended to read:

302.381 Emergency services for crisis intervention for prisoners. The costs of providing emergency services for crisis intervention for prisoners of a jail or house of correction with medical illnesses or disabilities, mental illnesses, developmental disabilities or alcohol or other drug abuse problems are payable according to the criteria under s. ~~53.38~~ 302.38 (2).

SECTION 1658. 53.383 of the statutes is renumbered 302.383.

SECTION 1659. 53.384 of the statutes is renumbered 302.384.

SECTION 1660. 53.385 of the statutes is renumbered 302.385 and amended to read:

302.385 Correctional institution health care. The standards for delivery of health services in state correctional institutions governed under s. ~~46.03~~ (1) 301.02 shall be based on the essential standards of the American medical association standards for health services in prisons, published in July 1979 and standards for health services in juvenile correctional facilities, published in August 1979.

SECTION 1661. 53.386 of the statutes is amended to read:

53.386 State liability for prisoners and forensic patients. The liability of the state for medical and dental services furnished to residents housed in prisons identified in s. 53.01 or in Ethan Allen school or Lincoln Hills school or to forensic patients in state institutions for those services which are not provided by employees of the department shall be limited to the amounts payable under ss. 49.43 to 49.47, except s. 49.468, for similar services. The department may waive any such limit if it determines that needed services cannot be obtained for the applicable amount. No provider of services may bill the resident or patient for the cost of services exceeding the amount of the state's liability under this section.

Vetoed in Part

SECTION 1662. 53.386 of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 302.386 and amended to read:

302.386 State liability for prisoners and forensic patients. The liability of the state for medical and dental services furnished to residents housed in prisons identified in s. ~~53.04~~ 302.01 or in Ethan Allen school or Lincoln Hills school or to forensic patients in state institutions for those services which are not provided by employees of the department shall be limited to the amounts payable under ss. 49.43 to 49.47, except 49.468, for similar services. The department may waive any such limit if it determines that needed services cannot be obtained for the applicable amount. No provider of services may bill the resident or patient for the cost of services exceeding the amount of the state's liability under this section.

SECTION 1663. 53.39 of the statutes is renumbered 302.39 and amended to read:

302.39 Freedom of worship; religious ministrations. Insofar as practicable, s. ~~46.066~~ 301.33 shall apply to county jails.

SECTION 1664. 53.40 of the statutes is renumbered 302.40.

SECTION 1665. 53.41 of the statutes is renumbered 302.41.

SECTION 1666. 53.42 of the statutes is renumbered 302.42.

SECTION 1667. 53.43 of the statutes is renumbered 302.43.

SECTION 1668. 53.44 of the statutes is renumbered 302.44 and amended to read:

302.44 Cooperation between counties regarding prisoners. Two or more counties may agree under s. 66.30 for the cooperative establishment and use of the jails and rehabilitation facilities of any of them for the detention or imprisonment of prisoners before, during and after trial and for sharing the expense without reference to s. ~~53.34~~ 302.34. The sheriffs of the counties shall lodge prisoners in any jail or rehabilitation facility authorized by the agreement and shall endorse the commitment, if any, under s. ~~53.35~~ 302.35 in case detention or imprisonment is in the jail or rehabilitation facility of another county. Only jails and rehabilitation facilities approved by the department for the detention of prisoners may be used under the agreement. The sheriff of the county of arrest shall transport the prisoner to and from court and to any other institution whenever necessary.

SECTION 1669. 53.45 of the statutes is renumbered 302.45, and 302.45 (1) and (3), as renumbered, are amended to read:

302.45 (1) The department and any county or group of counties may contract for the cooperative establishment and use of state-local shared correctional facilities. Inmates sentenced to the Wisconsin state prisons, a county jail, a county reforestation camp or a county house of correction may be transferred to a shared facility by the department, sheriff or

superintendent, respectively, under the agreement covering use of the facility. Any inmate confined in a state-local shared correctional facility shall be deemed to be serving time in the penal institution to which he or she was sentenced and shall be eligible to earn good time credit against his or her sentence as provided under ss. ~~53.11, 53.12, 53.43, 56.07 and 56.19~~ 302.11, 302.12, 302.43, 303.07 and 303.19 for that institution.

(3) Any county jail, reforestation camp established under s. ~~56.07~~ 303.07, county house of correction or rehabilitation facility established under s. 59.07 (76), whether operated by one county or more than one county, may be a state-local shared correctional facility.

SECTION 1670c. 53.46 of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 302.46.

~~SECTION 1670d. 53.46 (title) of the statutes is amended to read:~~ **Vetoed in Part**

~~53.46 (title) Jail and detention facility assessment.~~

SECTION 1670g. 53.46 (1) of the statutes, as affected by 1989 Wisconsin Act 22, is amended to read:

53.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for state laws or municipal or county ordinances involving nonmoving traffic violations or safety belt use violations under s. ~~347.48 (2m)~~, the court, in addition, shall impose a jail ~~and detention facility~~ assessment in an amount of one percent of the fine or forfeiture imposed or \$10, whichever is greater. If multiple offenses are involved, the court shall determine the jail ~~and detention facility~~ assessment on the basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the jail ~~and detention facility~~ assessment in proportion to the suspension.

Vetoed in Part

Vetoed in Part

Vetoed in Part

(b) If a fine or forfeiture is imposed by a court of record, after a determination by the court of the amount due for the jail ~~and detention facility~~ assessment, the clerk of the court shall collect and transmit the jail ~~and detention facility~~ assessment to the county treasurer as provided in s. 59.395 (5m). The county treasurer shall place the amount in the county jail ~~and secure detention facility~~ fund as provided in s. 59.20 (5m).

Vetoed in Part

Vetoed in Part

Vetoed in Part

(c) If a fine or forfeiture is imposed by a municipal court, after a determination by the court of the amount due for the jail ~~and detention facility~~ assessment, the court shall collect and transmit the jail ~~and detention facility~~ assessment to the county treasurer under s. 800.10 (2). The county treasurer shall place the amount in the county jail ~~and secure detention facility~~ fund as provided in s. 59.20 (5m).

Vetoed in Part

Vetoed in Part

Vetoed in Part

(d) If any deposit of bail is made for a noncriminal offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the jail ~~and detention facility~~ assessment

Vetoed in Part

Vetoed in Part prescribed in this section for forfeited bail. If bail is forfeited, the amount of the jail and ~~detention facility~~ assessment shall be transmitted to the county treasurer under this section. If bail is returned, the jail and ~~detention facility~~ assessment shall also be returned.

Vetoed in Part SECTION 1670i. 53.46 (2) of the statutes is amended to read:

Vetoed in Part 53.46 (2). Counties may make payments from county jail and secure detention facility funds for construction one or more of the following with priority given to pars. (a) and (c):

(a) Construction, remodeling, repair or improvement of county jails from county jail funds.

SECTION 1670m. 53.46 (2) (b) to (d) of the statutes are created to read:

53.46 (2) (b). Programs designed to relieve jail crowding.

(c) Construction, remodeling, repair or improvement of secure detention facilities, as defined in s. 48.02 (16).

(d) Programs designed to divert children from being held in secure detention facilities or being incarcerated in jail.

SECTION 1670n. 53.46 (2m) of the statutes is created to read:

53.46 (2m). Each county shall report to the office of justice assistance in the department of administration, prior to each March 1, on the amount of moneys placed in, and the amounts and purposes of the expenditures made from, its county jail and secure detention facility fund in the previous calendar year.

SECTION 1671. 55.06 (1) (c) of the statutes is amended to read:

55.06 (1) (c) If requested by the court, the ~~district attorney or~~ corporation counsel shall assist in conducting proceedings under this chapter.

SECTION 1672. Chapter 56 (title) of the statutes is renumbered chapter 303 (title).

SECTION 1673c. 56.01 of the statutes is renumbered 303.01.

SECTION 1675. 56.015 of the statutes is renumbered 303.015.

SECTION 1676. 56.016 of the statutes is renumbered 303.016.

SECTION 1677c. 56.018 of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 303.018, and 303.018 (intro.), as renumbered, is amended to read:

303.018 Annual report. (intro.) The departments of ~~health and social services~~ corrections and administration shall report, on an annual basis, to the joint committee on finance on the status of the prison industries program. The report shall include all of the following:

SECTION 1678. 56.018 (intro.) of the statutes is amended to read:

56.018 (title) Annual report. (intro.) The departments of health and social services and administration

shall report, on a ~~quarterly~~ an annual basis, to the joint committee on finance on the status of the prison industries program. The report shall include all of the following:

SECTION 1679. 56.018 (1) of the statutes is amended to read:

56.018 (1) The ~~year-to-date~~ cash balance of each industry at the end of the previous fiscal year.

SECTION 1680. 56.018 (2) of the statutes is renumbered 56.018 (3) and amended to read:

56.018 (3) The amount expended by state agencies for wood furniture and for printing ~~of forms~~, and the portion of that amount for furniture and printing provided by prison industries.

SECTION 1681. 56.018 (3) of the statutes is renumbered 56.018 (2) and amended to read:

56.018 (2) ~~A projection of the year-end~~ The cash balance at the end of the previous fiscal year for all prison industries and, if this amount is negative, whether it is ~~anticipated~~ the negative balance will be is fully offset by applicable assets specified in s. 20.903 (2).

SECTION 1681g. 56.019 of the statutes is created to read:

56.019 Quarterly report. The departments of health and social services and administration shall report, on a quarterly basis, except for the last quarter in a fiscal year, to the joint committee on finance providing a cash balance summary for each prison industry and a projected fiscal year-end profit and loss statement for the prison industry program. The departments shall submit each report within 30 days after the end of the quarter.

SECTION 1681gm. 56.019 of the statutes, as created by 1989 Wisconsin Act (this act), is renumbered 303.019 and amended to read:

303.019 Quarterly report. The departments of ~~health and social services~~ corrections and administration shall report, on a quarterly basis, except for the last quarter in a fiscal year, to the joint committee on finance providing a cash balance summary for each prison industry and a projected fiscal year-end profit and loss statement for the prison industry program. The departments shall submit each report within 30 days after the end of the quarter.

SECTION 1682. 56.03 of the statutes is renumbered 303.03.

SECTION 1683. 56.04 of the statutes is renumbered 303.04.

SECTION 1684. 56.05 of the statutes is renumbered 303.05.

SECTION 1685. 56.06 of the statutes is renumbered 303.06.

SECTION 1686c. 56.065 of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 303.065, and 303.065 (1) and (5) (a), as renumbered, are amended to read:

303.065 (1) The department of ~~health and social services~~ may grant work release privileges to any person incarcerated within the state prisons, except that no person serving a life sentence may be considered for work release until he or she has reached parole eligibility under s. ~~57.06~~ 304.06 (1) (b) or 973.014, whichever is applicable.

(5) (a) The board of the prisoner including food and clothing and any fee charged under s. ~~46.038~~ 301.135;

SECTION 1686m. 56.065 (5) (a) of the statutes is amended to read:

56.065 (5) (a) The board of the prisoner including food and clothing and any fee charged under s. 46.038;

SECTION 1687. 56.068 of the statutes is renumbered 303.068.

SECTION 1688. 56.07 of the statutes is renumbered 303.07, and 303.07 (3), (8) and (9), as renumbered, are amended to read:

303.07 (3) Each prisoner serving a sentence under this section who could have been sentenced to a state prison is subject to s. ~~53.14~~ 302.11 (1) and (2). Each prisoner serving such a sentence may be transferred to a state prison upon recommendation of the superintendent and approval of the department. The county board may, pursuant to its regulations approved by the department, extend to all other prisoners similar pecuniary earnings and rewards, subject to similar conditions and limitations as those prescribed by s. ~~53.12~~ 302.12 for prisoners in the Wisconsin state prisons.

(8) Sections ~~53.31 to 53.42~~ 302.31 to 302.42 insofar as they relate to persons committed and are not in conflict with this section shall apply to persons committed under this section.

(9) Inmates of a reforestation camp sentenced to the camp for less than one year or in lieu of a county jail sentence are subject to s. ~~53.43~~ 302.43.

SECTION 1689. 56.08 of the statutes is renumbered 303.08, and 303.08 (2m), (7), (11) (a) and (13), as renumbered, are amended to read:

303.08 (2m) In those counties with a Huber facility under s. ~~56.09~~ 303.09, the sheriff shall determine whether a person granted leave privileges under this section is to be confined in that facility or in the county jail. The sheriff may transfer persons granted leave privileges under this section between a Huber facility and the county jail.

(7) (a) If the prisoner was convicted in a municipal court, the circuit court for the county has authority and jurisdiction to make all determinations and orders under this section and s. ~~53.43~~ 302.43 as might otherwise be made by the sentencing court after the prisoner is received at the jail.

(b) If the prisoner was convicted in a court in another county, the circuit court referred to in par. (a) may, at the request or with the concurrence of the committing court, make all determinations and orders

under this section and s. ~~53.43~~ 302.43 as might otherwise be made by the sentencing court after the prisoner is received at the jail.

(11) (a) "Jail" includes a house of correction and, except for purposes of sub. (13), a Huber facility under s. ~~56.09~~ 303.09.

(13) Any county board may contract with the department for the quartering in the county jail of inmates under s. ~~56.065~~ 303.065.

SECTION 1690. 56.09 of the statutes is renumbered 303.09 and amended to read:

303.09 Huber facilities. (1) The county board of any county may establish, relocate and maintain an unlocked facility for use exclusively by persons granted leave privileges under s. ~~56.08~~ 303.08 (1) and persons confined under s. 973.09 (4). The facility need not be located at the county seat.

(2) The county boards of 2 or more counties may jointly establish, relocate and maintain a facility described in sub. (1). The operation and expenses of the facility shall be governed by an agreement between those counties. In a jointly established facility, authority under ss. ~~56.08~~ 303.08 (2m) and 973.09 (4) may be exercised by a sheriff of any of the counties which jointly establish the facility. The agreement shall specify who has authority to act under ss. ~~56.08~~ 303.08 (2m) and 973.09.

SECTION 1691. 56.16 of the statutes is renumbered 303.16, and 303.16 (1), as renumbered, is amended to read:

303.16 (1) The county board of any county whose population is 500,000 or more may, pursuant to s. ~~46.17~~ 301.37, establish, relocate and maintain within ~~said the~~ county a house of correction for the reformation and employment of persons sentenced to confinement therein.

SECTION 1692. 56.17 of the statutes is renumbered 303.17, and 303.17 (1), as renumbered, is amended to read:

303.17 (1) The county board of supervisors shall control the management of a house of correction under s. ~~56.16~~ 303.16, pursuant to such regulations and under the direct supervision and control of such officers as the county board of supervisors prescribes. No such regulation ~~shall~~ may be finally adopted on the day on which it is first presented to the county board of supervisors for consideration, nor until it has been considered and reported upon by the proper committee of the county board of supervisors. The county board of supervisors may by ordinance place the management of the house of correction under the control of the county department under s. 46.21, and in ~~such that~~ event s. 46.21, so far as applicable, shall control. The county board of supervisors may by ordinance resume control of the management of the house of correction. The county board of supervisors shall, in accordance with the civil service law, prescribe the number and compensation of all personnel

needed for the administration of the house of correction, and fix their duties.

SECTION 1693. 56.18 of the statutes is renumbered 303.18, and 303.18 (4), as renumbered, is amended to read:

303.18 (4) Whenever it appears that the continued presence of any person convicted of a felony and committed to the house of correction is detrimental to the person, or to other inmates, or to the discipline of the house of correction, the superintendent may immediately return the person to the committing court and the court shall sentence the person to the Wisconsin state prisons for the remainder of the term for which originally sentenced, less any credits for good behavior accumulated under s. 56.49 303.19. The person shall be given credit for time served prior to sentencing under s. 973.155 including good time under s. 973.155 (4).

SECTION 1694. 56.19 of the statutes is renumbered 303.19, and 303.19 (3) and (4), as renumbered, are amended to read:

303.19 (3) The superintendent shall keep a true record of the conduct of each prisoner, specifying each infraction of the rules of discipline; and at the end of each month shall give a certificate of good conduct to each prisoner against whom no such infraction is recorded, subject to annulment by the department for subsequent misconduct. Upon each such certificate issued to any such prisoner serving sentence for a misdemeanor the prisoner may be credited, at the discretion of the superintendent, with a diminution of the sentence not exceeding 5 days. Each such prisoner serving sentence for a felony shall receive time credits as provided in s. 53.42 302.11.

(4) The county board may, pursuant to its regulations approved by the department, extend to those prisoners similar pecuniary earnings and rewards, subject to similar conditions and limitations as those prescribed by s. 53.42 302.12 for prisoners in the Wisconsin state prisons.

SECTION 1695. 56.20 of the statutes is renumbered 303.20.

SECTION 1696. 56.21 of the statutes is renumbered 303.21, and 303.21 (1) (b), as renumbered, is amended to read:

303.21 (1) (b) Inmates are included under par. (a) if they are participating in a structured work program away from the institution grounds under s. 53.45 302.15. Inmates are not included under par. (a) if they are participating in a work release program under s. 56.065 303.065 (2) or in the transitional employment program, but they are eligible for worker's compensation benefits as provided under ch. 102.

SECTION 1697. 56.22 of the statutes is renumbered 303.22.

SECTION 1698. Chapter 57 (title) of the statutes is renumbered chapter 304 (title).

SECTION 1699. 57.06 of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 304.06, and 304.06 (1) (b), (c) (intro.), (d) 1 and (e) to (g), (1m), (2), (3) and (3e), as renumbered, are amended to read:

304.06 (1) (b) Except as provided in sub. (1m) or s. 161.49 (2), the department parole commission may parole an inmate of the Wisconsin state prisons or any felon or any person serving at least one year or more in the Milwaukee county house of correction or a county reforestation camp organized under s. 56.07 303.07, when he or she has served 25% of the sentence imposed for the offense, or 6 months, whichever is greater. Except as provided in s. 973.014, the department parole commission may parole an inmate serving a life term when he or she has served 20 years, as modified by the formula under s. 53.44 302.11 (1) and subject to extension using the formulas under s. 53.44 302.11 (2). The person serving the life term shall be given credit for time served prior to sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary may grant special action parole releases under s. 304.02. The department or the parole commission shall not provide any convicted offender or other person sentenced to its the department's custody any parole eligibility or evaluation until the person has been confined at least 60 days following sentencing.

(c) (intro.) If an inmate applies for parole under this subsection, the department parole commission shall notify the following, if they can be found, in accordance with par. (d):

(d) 1. The notice under par. (c) shall inform the offices and persons under par. (c) 1 to 3 of the manner in which they may provide written statements under this subsection. The department parole commission shall provide notice under this paragraph for an inmate's first application for parole and, upon request, for subsequent applications for parole.

(e) The department parole commission shall permit any office or person under par. (c) 1 to 3 to provide written statements. The department parole commission shall give consideration to any written statements provided by any such office or person and received on or before the date specified in the notice. This paragraph does not limit the authority of the department parole commission to consider other statements or information which the department that it receives in a timely fashion.

(f) The department parole commission shall design and prepare cards for persons specified in par. (c) 3 to send to the department commission. The cards shall have space for these persons to provide their names and addresses, the name of the applicable prisoner and any other information the department parole commission determines is necessary. The department parole commission shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to persons specified

in par. (c) 3. These persons may send completed cards to the department parole commission. All ~~departmental~~ commission records or portions of records ~~which~~ that relate to mailing addresses of these persons are not subject to inspection or copying under s. 19.35 (1). Before any written statement of a person specified in par. (c) 3 is made a part of the documentary record considered in connection with a parole hearing under this section, the department parole commission shall obliterate from the statement all references to the mailing addresses of the person.

(g) Before a person is released on parole under this subsection, the department parole commission shall so notify the municipal police department and the county sheriff for the area where the person will be residing. The notification requirement under this paragraph does not apply if a municipal department or county sheriff submits to the department parole commission a written statement waiving the right to be notified.

(1m) The department parole commission may waive the 25% service of sentence requirement under sub. (1) (b) ~~for an inmate upon the recommendation of the parole board. The parole board may recommend a waiver of the requirement only if it determines that extraordinary circumstances warrant an early release and the sentencing court has been notified and permitted to comment upon the proposed recommendation.~~

(2) No prisoner under sub. (1) may be paroled until the department parole commission is satisfied that the prisoner has adequate plans for suitable employment or to otherwise sustain himself or herself. The paroled prisoner shall report to the department in such manner and at such times as it requires.

(3) Every paroled prisoner remains in the legal custody of the department unless otherwise provided by the department. If the department alleges that any condition or rule of parole has been violated by the prisoner, the department may take physical custody of the prisoner for the investigation of the alleged violation. If the department is satisfied that any condition or rule of parole has been violated it shall afford the prisoner such administrative hearings as are required by law. ~~The~~ Unless waived by the parolee, the final administrative hearing shall be held before a hearing examiner from the division of corrections hearings in the department of administration who is licensed to practice law in this state. The hearing examiner shall enter an order revoking or not revoking parole which order shall be, upon. Upon request by either party, reviewed by the secretary administrator of the division of corrections hearings shall review the order. The hearing examiner may order the taking and allow the use of a videotaped deposition under s. 967.04 (7) to (10). If the parolee waives the final administrative hearing, the secretary of corrections shall enter an order revoking or not revoking parole. If the examiner or, the secretary administrator upon review, or

the secretary in the case of a waiver finds that the prisoner has violated the rules or conditions of parole, the examiner, or the secretary administrator upon review, or the secretary in the case of a waiver, may order the prisoner returned to prison to continue serving his or her sentence, or to continue on parole. If the prisoner claims or appears to be indigent, the department shall refer the prisoner to the authority for indigency determinations specified under s. 977.07 (1).

(3c) The department division of corrections hearings in the department of administration shall make either an electronic or stenographic record of all testimony at each parole revocation hearing. The department division shall prepare a written transcript of the testimony only at the request of a judge who has granted a petition for judicial review of the revocation decision. Each hearing notice shall include notice of the provisions of this subsection and a statement that any person who wants a written transcript may record the hearing at his or her own expense.

SECTION 1700c. 57.06 (1) (b) of the statutes is amended to read:

57.06 (1) (b) Except as provided in sub. (1m) or s. 161.49 (2), the department may parole an inmate of the Wisconsin state prisons or any felon or any person serving at least one year or more in the Milwaukee county house of correction or a county reforestation camp organized under s. 56.07, when he or she has served 25% of the sentence imposed for the offense, or 6 months, whichever is greater. Except as provided in s. 973.014, the department may parole an inmate serving a life term when he or she has served 20 years, as modified by the formula under s. 53.11 (1) and subject to extension using the formulas under s. 53.11 (2). The person serving the life term shall be given credit for time served prior to sentencing under s. 973.155, including good time under s. 973.155 (4). The department shall not provide any convicted offender or other person sentenced to its custody any parole eligibility or evaluation until the person has been confined at least 60 days following sentencing.

SECTION 1700m. 57.06 (1r) of the statutes is created to read:

57.06 (1r) (a) The department shall grant release on parole, unless there are overriding considerations not to do so, to any inmate who is eligible for parole under sub. (1) and meets either of the following conditions:

1. The inmate had a reading test score below the 6th grade level at the time of his or her admission to state prison, the inmate thereafter participated in a departmental literacy program and, upon completion of the program, had a reading test score at or above the 6th grade level.

2. The inmate did not have a high school diploma, a high school equivalency diploma or a certificate of general educational development at the time of his or her admission to state prison and the inmate thereafter obtained a high school equivalency diploma or a certificate of general educational development while incarcerated in state prison.

(b) If an inmate is eligible for parole under sub. (1) and is participating in a literacy or other education program but does not meet the conditions of par. (a) 1 or 2, the department shall consider the possibility of granting the inmate release on parole with continued education as one of the conditions of parole.

SECTION 1700p. 57.06 (2) of the statutes is amended to read:

57.06 (2) No ~~such~~ prisoner ~~shall under sub. (1) may~~ be paroled until the department is satisfied that the prisoner has adequate plans for suitable employment has been secured for him, unless or to otherwise provided for by the department sustain himself or herself. The paroled prisoner shall report to the department in such manner and at such times as it requires.

SECTION 1701. 57.071 of the statutes is renumbered 57.071 (1).

SECTION 1702. 57.071 of the statutes, as affected by 1989 Wisconsin Act (this act), is renumbered 304.071, and 304.071 (1), as renumbered, is amended to read:

304.071 (1) The ~~department parole commission~~ may at any time grant a parole to ~~or suspend the parole of~~ any prisoner in any penal institution of this state, or the department may at any time suspend the supervision of any person who is on probation or parole to the department, who if the prisoner or person on probation or parole is eligible for induction into the U.S. armed forces of the United States. Such. The suspension of parole or probation shall be for the duration of his or her service in the armed forces; and ~~said~~ the parole or probation shall again become effective upon his or her discharge from the armed forces in accordance with regulations prescribed by the department. If he or she receives an honorable discharge from the armed forces, the governor may discharge him or her and such the discharge shall have the effect of a pardon. Upon such the suspension of parole or probation by the department, the department shall issue an order shall be issued by the secretary of the department setting forth the conditions under which the parole or probation is suspended, including instructions as to where and when and to whom such the paroled person shall report upon his discharge from the armed forces.

SECTION 1703. 57.071 (2) of the statutes is created to read:

57.071 (2) If a prisoner is not eligible for parole under s. 161.49 (2), he or she is not eligible for parole under this section.

SECTION 1704. 57.072 of the statutes is renumbered 304.072, and 304.072 (1) and (2), as renumbered, are amended to read:

304.072 (1) If the department of corrections if a parolee or probationer is reinstated or waives a hearing or the division of corrections hearings in the department of administration in the case of a hearing determines that a parolee or probationer has violated

the terms of his or her supervision, the department or division may toll all or any part of the period of time between the date of the violation and the date an order of revocation or reinstatement is entered, subject to credit according to the terms of s. 973.155 for any time the parolee or probationer spent confined in connection with the violation.

(2) If a parolee or probationer is alleged to have violated the terms of his or her supervision but the department or division determines that the alleged violation was not proven, the period between the alleged violation and the determination shall be treated as service of the probationary or parole period.

SECTION 1705. 57.075 of the statutes is renumbered 304.075.

SECTION 1706. 57.078 of the statutes is renumbered 304.078.

SECTION 1707. 57.08 of the statutes is renumbered 304.08.

SECTION 1708. 57.09 of the statutes is renumbered 304.09.

SECTION 1709. 57.10 of the statutes is renumbered 304.10, and 304.10 (2), as renumbered, is amended to read:

304.10 (2) When a victim or member of the victim's family receives notice under s. ~~57.09~~ 304.09 (3), he or she may provide the governor with written statements indicating his or her views regarding the application and stating any circumstances within his or her knowledge in aggravation or extenuation of the applicant's guilt. Upon receipt of any such statement, the governor shall place the statement with the other pardon application papers.

SECTION 1710. 57.11 of the statutes is renumbered 304.11, and 304.11 (3), as renumbered, is amended to read:

304.11 (3) If upon inquiry it further appears to the governor that the convicted person has violated or failed to comply with any of those conditions, the governor may issue his or her warrant remanding the person to the institution from which discharged, and the person shall be confined and treated as though no pardon had been granted, except that the person loses any applicable good time which he or she had earned. If the person is returned to prison, the person is subject to the same limitations as a revoked parolee under s. ~~53.14~~ 302.11 (7). The department shall determine the period of incarceration under s. ~~53.14~~ 302.11 (7) (a). If the governor determines the person has not violated or failed to comply with the conditions, the person shall be discharged subject to the conditional pardon.

SECTION 1711. 57.115 of the statutes is renumbered 304.115 and amended to read:

304.115 Emergency removal. When an emergency exists which in the opinion of the secretary of the ~~department~~ makes it advisable ~~he, the secretary~~ may permit the temporary removal of a convicted person

for such period and upon such conditions as ~~he~~ the secretary determines. The secretary may delegate this authority to the deputy, ~~the administrator of the corrections function and the wardens and superintendents of the state prisons.~~

SECTION 1712. 57.12 of the statutes is renumbered 304.12.

SECTION 1713. 57.13 of the statutes is renumbered 304.13.

SECTION 1714. 57.135 of the statutes is renumbered 304.135 and amended to read:

304.135 Out-of-state parolee supervision without compact. The department ~~is authorized to~~ may permit any person convicted of an offense within this state and placed on probation or released on parole to reside in any other state not a party to the compact authorized by s. ~~57.13~~ 304.13 whenever the authorities of the receiving state agree to assume the duties of visitation of and supervision over ~~such~~ the probationer or parolee, governed by the same standards that prevail for its own probationers and parolees, on the same terms as are provided in s. ~~57.13~~ 304.13 (1) and (2) in the case of states signatory to ~~said~~ the compact. ~~But before~~ Before permitting any probationer or parolee to leave this state ~~pursuant to~~ under this section, the department shall obtain from him or her a signed agreement to return to this state upon demand of the department and an irrevocable waiver of all procedure incidental to extradition. The department may, in like manner, receive for supervision probationers and parolees convicted in states not signatory to ~~said~~ the compact, and shall have the same custody and control of ~~such~~ those persons as it has over probationers and parolees of this state.

SECTION 1715. 57.14 of the statutes is renumbered 304.14.

SECTION 1716. 57.15 of the statutes is renumbered 304.15.

~~SECTION 1716m. 59.07 (2) (c) of the statutes is amended to read:~~

Vetoed
in Part

~~59.07 (2) (c) Employee insurance. Provide for individual or group hospital, surgical and life insurance for county officers and employees and for payment of premiums therefor. In addition, a county with at least 100 employees who are eligible for health care benefits may elect to provide health care benefits on a self-insured basis to its officers and employees, and any 2 or more counties which together have at least 100 employees who are eligible for health care benefits may jointly provide health care benefits on a self-insured basis to officers and employees of the counties. Counties which elect to provide health care benefits on a self-insured basis to their officers and employees shall be subject to the requirements set forth under s. 120.13 (2) (c) to (e) to the same extent that school districts which elect to provide health care benefits on a self-insured basis under s. 120.13 (2) (b) are subject to s. 120.13 (2) (c) to (e).~~

SECTION 1717. 59.07 (3) (b) of the statutes is amended to read:

59.07 (3) (b) The board may delegate its power in regard to any claim, demand or cause of action not exceeding \$500 to the ~~district attorney if assigned civil matters or to the~~ corporation counsel. If the ~~district attorney or~~ corporation counsel finds that payment of the claim to a claimant is justified, the ~~district attorney or~~ corporation counsel may order the claim paid. The claim shall be paid upon certification of the ~~district attorney or~~ corporation counsel and shall be annually reported to the board.

SECTION 1718. 59.07 (76) of the statutes is amended to read:

59.07 (76) REHABILITATION FACILITIES. Establish and maintain rehabilitation facilities in any part of the county under the jurisdiction of the sheriff as an extension of the jail, or separate from the jail under jurisdiction of a superintendent, to provide any person sentenced to the county jail with a program of rehabilitation for such part of the person's sentence or commitment as the court determines will be of rehabilitative value to the prisoner. Rehabilitation facilities may be located outside of the county under a cooperative agreement under s. ~~53.44~~ 302.44.

SECTION 1719. 59.07 (97) of the statutes is amended to read:

59.07 (97) CHILD AND SPOUSAL SUPPORT; PATERNITY PROGRAM; MEDICAL SUPPORT LIABILITY PROGRAM. The county board shall contract with the department of health and social services to implement and administer the child and spousal support and establishment of paternity and the medical support liability programs provided for by Title IV of the federal social security act. The board may designate by board resolution any office, officer, board, department or agency as the county designee. The board or its designee shall implement and administer the programs in accordance with the contract with the state department of health and social services. The ~~district attorney, corporation counsel attorneys responsible for support enforcement under s. 59.458 (1),~~ 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 programs. The county shall charge the fee established by the department under s. 46.25 for services provided under this subsection to persons not receiving assistance under s. 49.19 or 49.47.

SECTION 1719m. 59.07 (106) of the statutes is amended to read:

59.07 (106) CONTRIBUTION TO TRUANCY. Enact and enforce an ordinance to prohibit conduct which is the same as or similar to that prohibited by s. ~~947.46~~ 948.45 and provide a forfeiture for a violation of the ordinance.

SECTION 1719p. 59.07 (147) of the statutes is created to read:

59.07 (147) INTEGRATED SERVICE PROGRAM FOR CHILDREN WITH SEVERE DISABILITIES. Establish a program of integrated services for children with severe disabilities under s. 46.56.

SECTION 1720. 59.071 (5) (b) of the statutes is amended to read:

59.071 (5) (b) The articles of incorporation shall be signed and acknowledged by persons designated by the county board or where counties join in the formation of the agency by the county boards of ~~such~~ those counties and shall include at least 3 of the following from each county: the county executive, if there is one; the chairperson of the county board; the chairperson of the county board finance committee, if there is one; the county corporation counsel ~~or district attorney in counties having no corporation counsel~~ and the county auditor or county treasurer in counties having no county auditor, and only ~~such~~ those persons so signing and acknowledging the articles of incorporation shall for the purposes of ch. 181 be the incorporators of the agency. When counties join in the formation of the agency, the articles of incorporation shall be recorded in the office of the register of deeds of each county.

SECTION 1721. 59.071 (5) (e) of the statutes is amended to read:

59.071 (5) (e) The articles of incorporation shall provide for 2 classes of directors, each class to consist of such number as is provided in the bylaws. The county executive, if there is one, the chairperson of the county board, the chairperson of the county board finance committee, if there is one, the county corporation counsel ~~or district attorney in counties having no corporation counsel~~ and the county auditor or county treasurer in counties having no county auditor, shall be members of the board of directors by virtue of their office and as representatives of the county in which they hold ~~such~~ the office and the county board of each county shall have the right to designate such additional county directors as the bylaws authorize. The county directors shall at all times constitute not less than a majority of the total authorized number of directors. Public directors shall be appointed by the county board and shall hold office at the pleasure of the county board.

SECTION 1722. 59.12 of the statutes is amended to read:

59.12 County officers; terms. A county clerk, treasurer, sheriff, coroner, clerk of circuit court, ~~district attorney~~, register of deeds and surveyor, who shall be a registered land surveyor, shall be elected in each county for full terms at the general election held in each even-numbered year. The regular term of office of each such officer shall commence on the first Monday of January next succeeding his ~~or her~~ election and shall continue 2 years and until his ~~or her~~ successor qualifies. In lieu of electing a surveyor in any county, the county board may, by resolution, designate that

the duties under ss. 59.60 and 59.635 be performed by any registered land surveyor employed by the county. In any county containing one town only, the county board may, by resolution, designate any county office a part-time position, combine 2 or more county offices, and, if concurred in by the town board, combine the offices of county clerk and town clerk and any other county and town offices, provided that the offices combined are not incompatible and the combination is not expressly forbidden by law. If the town board so concurs, the election ~~shall~~ may be for the combined office and no separate election for the town office shall be held until after the county board has by resolution decided to abandon ~~such~~ the combination and the town board has concurred by resolution. In counties having a population of 500,000 or more, no county coroner or county surveyor ~~shall~~ may be elected. In any county in which a medical examiner system is instituted, no coroner ~~shall~~ may be elected.

SECTION 1723. 59.125 of the statutes is amended to read:

59.125 Eligibility for county office. No person is eligible to file nomination papers as a candidate for, have his or her name placed on a ballot for election to, or hold a county elective office who is not an elector of the county. No person is eligible to file nomination papers as a candidate for, have his or her name placed on a ballot for election to, or hold the office of county supervisor who is not an elector of the supervisory district from which he or she is chosen. ~~No person is eligible to hold the office of district attorney who is not licensed to practice law in this state.~~

SECTION 1724. 59.13 (1) (f) of the statutes is repealed.

SECTION 1725. 59.175 of the statutes is amended to read:

59.175 Clerks of counties containing state institutions to make claims in certain cases. The county clerk of any county, ~~where such county which~~ is entitled to reimbursement ~~as provided in under s. 16.51 (7);~~ shall make a certified claim against the state, without direction from the county board, in all cases where ~~such~~ the reimbursement is directed in ~~said~~ that subsection, upon forms prescribed by the department of administration ~~and to. The forms shall contain such information as shall be required by him; such claims to the clerk and shall be filed annually with the department of health and social services corrections on or before June first of each year 1.~~ If the claims are approved by ~~such~~ the department of corrections, they shall be certified to the department of administration and paid from the ~~appropriations~~ appropriation made by s. ~~20.435 (3) 20.410 (1) (c).~~

SECTION 1725m. 59.20 (5m) of the statutes is amended to read:

~~59.20 (5m) Deposit all moneys for jail and detention facility assessments received under s. 53.46 (1) in a county jail and secure detention facility fund and~~

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89 WisACT 31

- 394 -

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make payments from the fund for purposes of s. 53.46 (2) on order of the county board under sub. (2).

SECTION 1726. 59.20 (5m) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

59.20 (5m) Deposit all moneys for jail and detention facility assessments received under s. 53.46 302.46 (1) in a county jail and secure detention facility fund and make payments from the fund for purposes of s. 53.46 302.46 (2) on order of the county board under sub. (2).

SECTION 1727. 59.20 (8m) of the statutes is amended to read:

59.20 (8m) Forward 40% of the state forfeitures, fines and penalties under ch. 348 to the ~~department of transportation~~ state treasurer for deposit in the transportation fund under s. 25.40 (1) (ig).

SECTION 1728. 59.20 (8r) of the statutes is amended to read:

59.20 (8r) Forward ~~one-half~~ 50% of the fees received under s. 343.10 (2) to the ~~department of transportation~~ state treasurer for deposit in the transportation fund under s. 25.40 (1) (im).

SECTION 1728d. 59.34 (6) of the statutes is created to read:

59.34 (6) Act as coroner in a nearby county when requested to do so under s. 59.345 (2).

SECTION 1728h. 59.345 of the statutes is created to read:

59.345. Coroner; compatibility with other offices. (1) Notwithstanding s. 979.04 (3) and except as provided in sub. (2), any person holding office under s. 59.34 may also serve as a volunteer emergency medical technician or volunteer fire fighter.

(2) (a) No person serving as a coroner under s. 59.34 who also serves as a volunteer emergency medical technician or a volunteer fire fighter may participate as a coroner in any case in which he or she may be required to participate as a volunteer emergency medical technician or a volunteer fire fighter. If an apparent or actual conflict of interest arises between the persons's duties as coroner and as volunteer emergency medical technician or volunteer fire fighter, the deputy coroner shall act as coroner in the case in which the conflict exists. If there is no deputy coroner, the coroner shall request that the coroner, medical examiner, deputy coroner or a medical examiner's assistant in a nearby county act as coroner in the case in which the conflict exists. Any fees owed to or expenses incurred by the acting coroner from the nearby county shall be paid by the county that requested the acting coroner's services.

(b) If a person serving as coroner under s. 59.34 is required to exercise the powers and duties of sheriff under s. 59.34 (2), the deputy coroner shall act as coroner or, if there is no deputy coroner, the coroner shall request under the procedures in par. (a) that another person act as coroner until the coroner is no longer exercising the powers and duties of sheriff.

SECTION 1728p. 59.351 of the statutes is amended to read:

59.351 Medical examiner, assistants; salaries; fees; report. The medical examiner and medical examiner's assistants authorized by the county board shall be paid semimonthly out of the county treasury of the proper county, for the performance of all their official duties and in lieu of all other compensation, salaries to be fixed by the county board. The medical examiner and medical examiner's assistants shall collect for all services performed, except in cases where the county is solely liable, all fees that coroners are by law entitled to receive, and shall keep accurate books of account in which shall be entered from day to day the items of services rendered, the titles of the proceedings in which and the names of the persons for whom rendered, and the fees charged and received, and shall, at the end of every 3 months, render to the county board of the county and to the county treasurer an accurate report or statement, verified by his or her oath, of all fees and income collected by them or for them during the 3 months; and at the same time they shall pay to the treasurer of the county all fees and incomes collected by them, or which they were entitled by law to charge or receive, not paid to the treasurer. The medical examiner or a medical examiner's assistant shall act as coroner in a nearby county when requested to do so under s. 59.345 (2).

SECTION 1728t. 59.365 (5) of the statutes is created to read:

59.365 (5) Any person holding office under this section may also serve as a volunteer emergency medical technician, a volunteer fire fighter or a chief, deputy chief or assistant chief of a fire department.

SECTION 1729. 59.39 (9m) of the statutes is amended to read:

59.39 (9m) Keep a record of all payments and arrearages in payments ordered by the court under ss. 767.25 to 767.265, 767.29 (1), 767.51 and 767.65 or ordered by a court in another county or jurisdiction but enforced or received by the clerk's court. If the department of health and social services operates a data system relating to those payments and arrearages, the clerk shall use that system to keep this record.

SECTION 1729m. 59.395 (5m) of the statutes is amended to read:

59.395 (5m) Pay monthly to the county treasurer the amounts required by s. 53.46 (1) for the jail and detention facility assessment surcharge. The payments shall be made by the 15th day of the month following receipt thereof.

SECTION 1730. 59.395 (5m) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

59.395 (5m) Pay monthly to the county treasurer the amounts required by s. 53.46 302.46 (1) for the jail and detention facility assessment surcharge. The pay-

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Vetoed in Part ~~ments shall be made by the 15th day of the month following receipt thereof.~~

SECTION 1732. 59.44 of the statutes is repealed.

SECTION 1733. 59.45 of the statutes is repealed.

SECTION 1734. 59.457 of the statutes is created to read:

59.457 Corporation counsel; attorney designee. In lieu of employing a corporation counsel under s. 59.07 (44) or in addition to employing a corporation counsel under s. 59.07 (44) or 59.455, a county board shall designate an attorney to perform the duties of a corporation counsel as the need arises. Two or more counties may jointly designate an attorney to perform the duties of a corporation counsel. If an attorney has been designated to perform the duties of a corporation counsel, that person may exercise any powers and perform any duties of the corporation counsel.

SECTION 1735. 59.458 of the statutes is created to read:

59.458 Attorneys; support enforcement responsibility. (1) (a) Except as provided in par. (b), each county board shall employ or contract with attorneys to provide support enforcement. Sections 59.07 (44), 59.455 and 59.457 do not preclude a county board from assigning these support enforcement duties to any attorney employed by the county.

(b) If, on June 1, 1989, a county has 1.0 or more full-time equivalent attorney positions that have primary responsibility for handling cases described in sub. (2), as determined by the district attorney of the prosecutorial unit, the county shall establish and maintain a support enforcement office consisting of support enforcement attorneys and office personnel. In counties having a population of less than 500,000, a county budget under s. 65.90 shall list the proposed appropriation under s. 65.90 (2) for the support enforcement office separate from any other office, department or activity. In counties having a population of 500,000 or more, a county budget shall treat a support enforcement office as a department, as defined in s. 59.84 (2) (a), separate from all other departments. If a county ceases to employ 1.0 or more full-time equivalent attorney positions in the office, the county may provide support enforcement under par. (a).

(2) Attorneys responsible for support enforcement under sub. (1) shall institute, commence, appear in or perform other prescribed duties in actions or proceedings under ss. 46.25 (7), 59.07 (97), 767.075, 767.08, 767.45 and 767.65.

(3) If the place of trial is changed to another county in any action or proceeding under sub. (2), an attorney responsible for support enforcement under sub. (1) shall continue to prosecute or defend the action or proceeding in the other county.

SECTION 1736. 59.46 of the statutes is repealed.

SECTION 1737. 59.47 of the statutes is repealed.

SECTION 1739. 59.475 of the statutes is repealed.

SECTION 1740. 59.48 of the statutes is repealed.

SECTION 1741. 59.485 of the statutes is repealed.

SECTION 1742. 59.49 of the statutes is repealed.

SECTION 1743. 59.68 (1) of the statutes is amended to read:

59.68 (1) Each county shall provide a courthouse, fireproof offices and other necessary buildings at the county seat and keep them in good repair. Each county shall provide a jail or enter into a cooperative agreement under s. ~~53.44~~ 302.44 for the cooperative establishment and use of a jail. The jail and rehabilitation facilities as extensions of the jail need not be at the county seat and may be located outside of the county under a cooperative agreement under s. ~~53.44~~ 302.44.

SECTION 1744. 59.68 (2) of the statutes is amended to read:

59.68 (2) No jail ~~shall~~ may be constructed until the plans and specifications are approved by the department of ~~health and social services~~ corrections.

SECTION 1745. 59.68 (6) of the statutes is amended to read:

59.68 (6) The personnel required to comply with ss. ~~53.41~~ 302.41 and ~~53.42~~ 302.42 shall be provided at the expense of the county.

SECTION 1746. 59.68 (7) of the statutes is amended to read:

59.68 (7) A county may establish extensions of the jail, which need not be at the county seat, to serve as places of temporary confinement. No person may be detained in such an extension for more than 24 consecutive hours, except that a court may order that a person subject to imprisonment under ss. 23.33 (13) (b) 2 or 3 or (c) or 350.11 (3) (a) 2 or 3 or (b) be imprisoned for more than 24 consecutive hours in such an extension. Jail extensions shall be subject to plans and specifications approval by the department of ~~health and social services~~ corrections and shall conform to other requirements imposed by law on jails, except that cells may be designed and used for multiple occupancy.

SECTION 1747. 59.715 (24) (c) of the statutes is amended to read:

59.715 (24) (c) Any case record of a felony or related case, after the mandatory release date established under s. ~~53.11~~ 302.11 (1), if applicable, of any person convicted of that felony or 10 years after commencement of the action, whichever is later.

SECTION 1747m. 59.84 (7m) of the statutes is created to read:

59.84 (7m) **PUBLICATION OF BUDGET SUMMARY.** Notwithstanding sub (1), this subsection applies to all counties having a population of 500,000 or more. Any such county shall publish, in the same manner as the summary that may be published under sub. (7), a summary that includes all of the following:

(a) The total amount of budgeted expenditures for the current year.

(b) The proposed amount of total expenditures and the percentage change compared to the amount in par. (a).

(c) The property tax levy for the current year.

(d) The proposed property tax levy and the percentage change compared to the amount in par. (c).

SECTION 1747s. 59.88 of the statutes is created to read:

59.88 Land information. (1) DEFINITIONS. In this section:

(a) "Land information" has the meaning given in s. 16.967 (1) (b).

(b) "Land records" has the meaning given in s. 16.967 (1) (d).

(c) "Local governmental unit" means a city, village, town, regional planning commission, special purpose district or local governmental association, authority, board, commission, department, independent agency, institution or office.

(3) LAND INFORMATION OFFICE. The board may establish a county land information office or may direct that the functions and duties of the land information office be performed by an existing department, board, commission, agency, institution, authority or office. The county land information office shall:

(a) Coordinate land information projects within the county, between the county and local governmental units, between the state and local governmental units and among local governmental units, the federal government and the private sector.

(b) Within 2 years after the land information office is established, develop a countywide plan for land records modernization.

(c) Review and recommend projects from local governmental units for grants from the land information board under s. 16.967 (7).

(4) AID TO COUNTIES. A board that has established a land information office under sub. (3) may apply to the land information board for a grant for a land information project under s. 16.967 (7).

SECTION 1748. 59.974 (8) of the statutes is amended to read:

59.974 (8) APPLICABILITY TO LOCAL GOVERNMENTS AND AGENCIES. An ordinance enacted under this section is applicable to activities conducted by a unit of local government and an agency of that unit of government. An ordinance enacted under this section is not applicable to activities conducted by an agency, as defined under s. 227.01 (1) but also including the office of district attorney, which is subject to the state construction site erosion control and storm water management plan promulgated or a memorandum of understanding entered into under s. 144.266 (2).

SECTION 1748m. 60.77 (5) (h) of the statutes is amended to read:

60.77 (5) (h) ~~Obtain by purchase, lease, gift, grant or bequest~~ Lease or acquire, including by condemnation, any real property situated in this state and any

personal property that may be needed for the purposes of this subchapter.

SECTION 1748p. 60.77 (5) (j) of the statutes is created to read:

60.77 (5) (j) Administer the private sewage system program if authorized under s. 145.20 (1) (am).

SECTION 1749. 61.354 (7) of the statutes is amended to read:

61.354 (7) APPLICABILITY TO LOCAL GOVERNMENTS AND AGENCIES. An ordinance enacted under this section is applicable to activities conducted by a unit of local government and an agency of that unit of government. An ordinance enacted under this section is not applicable to activities conducted by an agency, as defined under s. 227.01 (1) but also including the office of district attorney, which is subject to the state construction site erosion control and storm water management plan promulgated or a memorandum of understanding entered into under s. 144.266 (2).

SECTION 1750. 62.09 (13) (d) of the statutes is amended to read:

62.09 (13) (d) The personnel required to comply with ss. ~~53.41~~ 302.41 and ~~53.42~~ 302.42 shall be provided at the expense of the municipality.

SECTION 1750m. 62.13 (7n) of the statutes is amended to read:

62.13 (7n) HOURS OF LABOR. ~~The~~ Except where a labor agreement under subch. IV of ch. 111 that governs hours of employment exists, the council of every 2nd, 3rd or 4th class city of the second, third or fourth class, shall provide for a working day of not more than ~~eight~~ 8 hours in each ~~twenty-four~~ 24 except in cases of positive necessity by some sudden and serious emergency, which, in the judgment of the chief of police, demands that such workday shall be extended beyond the ~~eight-hour~~ 8-hour period at such time; and, when such emergency ceases to exist, all overtime given during such emergency, shall be placed to the credit of such police officer, and additional days of rest given therefor.

SECTION 1751. 62.234 (7) of the statutes is amended to read:

62.234 (7) APPLICABILITY TO LOCAL GOVERNMENTS AND AGENCIES. An ordinance enacted under this section is applicable to activities conducted by a unit of local government and an agency of that unit of government. An ordinance enacted under this section is not applicable to activities conducted by an agency, as defined under s. 227.01 (1) but also including the office of district attorney, which is subject to the state construction site erosion control and storm water management plan promulgated or a memorandum of understanding entered into under s. 144.266 (2).

SECTION 1752. 62.50 (7) (title) of the statutes is amended to read:

62.50 (7) (title) ASSISTANT CHIEFS, INSPECTORS AND CAPTAINS; VACANCIES.

SECTION 1753. 62.50 (7) of the statutes is renumbered 62.50 (7) (b) and amended to read:

62.50 (7) (b) If a vacancy exists in the office of inspector of police or captain of police, the chief of police shall nominate and, with the approval of the board, shall appoint a ~~suitable~~ person to the office subject to suspension and removal under this section.

SECTION 1754. 62.50 (7) (a) of the statutes is created to read:

62.50 (7) (a) If a vacancy exists in the office of assistant chief, the chief of police shall nominate and, with the approval of the board, shall appoint a person to a term of office coinciding with the term of the chief making the appointment, subject thereafter to reinstatement to a previously held position on the force in accordance with rules prescribed by the board. Removal of the assistant chief shall be pursuant to s. 17.12 (1) (c). The chief may summarily suspend the assistant chief whose removal is sought by the chief.

SECTION 1755. 63.03 (2) (L) of the statutes is repealed.

SECTION 1756. 63.03 (2) (m) of the statutes is repealed.

SECTION 1758. 63.30 of the statutes is amended to read:

63.30 (title) Secretary; selection, duties. The board of city service commissioners shall select a ~~city personnel director under and pursuant to the civil service law applicable to the city. The city personnel director shall be~~ secretary of the board and, who shall be its chief executive and administrative officer, and who shall, subject to its direction and control, administer the city civil service law and rules and the personnel statutes and ordinances governing city service employment; direct and coordinate the work and staff of the board, act as liaison officer between the board and the several departments, bureaus, boards and commissions and perform such other duties as the board may direct. ~~This section does not apply to the personnel director in a 1st class city, who shall be appointed under s. 66.146.~~

SECTION 1759e. 65.02 (6) of the statutes is renumbered 65.02 (6) (a).

SECTION 1759m. 65.02 (6) (b) of the statutes is created to read:

65.02 (6) (b) The budget summary shall also include all of the following:

1. The total amount of budgeted expenditures for the current year.

2. The proposed amount of total expenditures and the percentage change compared to the amount in subd. 1.

3. The property tax levy for the current year.

4. The proposed property tax levy and the percentage change compared to the amount in subd. 3.

SECTION 1759s. 65.90 (3) (bm) of the statutes is created to read:

65.90 (3) (bm) Any budget summary required under par. (a) shall include all of the following:

1. The total amount of budgeted expenditures for the current year.

2. The proposed amount of total expenditures and the percentage change compared to the amount in subd. 1.

3. The property tax levy for the current year.

4. The proposed property tax levy and the percentage change compared to the amount in subd. 3.

SECTION 1760am. 66.03 (5) of the statutes is amended to read:

66.03 (5) APPORTIONMENT BOARD. The boards or councils of the municipalities, or committees, thereof selected for that purpose, acting together, shall constitute an apportionment board. When any municipality is dissolved by reason of all of its territory being so transferred the board or council thereof existing at the time of such dissolution shall, for the purpose of this section, continue to exist as the governing body of such municipality until there has been an apportionment of assets by agreement of the interested municipalities or by an order of the circuit court. After an agreement for apportionment of assets has been entered into between the interested municipalities, or an order of the circuit court becomes final, a copy of such apportionment agreement, or of such order, certified to by the clerks of the interested municipalities, shall be filed with the department of revenue, the department of natural resources, the department of transportation, the state superintendent of public instruction, the department of administration, and with any other department or agency of the state from which the town may be entitled by law to receive funds or certifications or orders relating to the distribution or disbursement of funds, with the county treasurer, with the treasurer of any municipality, or with any other entity from which payment would have become due if such dissolved municipality from which such territory was transferred had continued in existence. Thereafter payments from the shared revenue account made pursuant to ch. 79, payments of forest crop taxes under s. 77.05, of transportation aids under s. 20.395, of state aids for school purposes under ch. 121, payments for managed forest land under subch. VI of ch. 77, payments under 1989 Wisconsin Act ... (this act), section 3048 (3r) and all payments due from a department or agency of the state, from a county, from a municipality, or from any other entity from which payments would have become due if such dissolved municipality from which such territory was transferred had continued in existence, shall be paid to the interested municipality as provided by such agreement for apportionment of assets or by any order of apportionment by the circuit court and such payments shall have the same force and effect as if made to the dissolved municipality from which such territory was transferred.

SECTION 1760b. 66.03 (5) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

66.03 (5) APPORTIONMENT BOARD. The boards or councils of the municipalities, or committees, thereof selected for that purpose, acting together, shall constitute an apportionment board. When any municipality is dissolved by reason of all of its territory being so transferred the board or council thereof existing at the time of such dissolution shall, for the purpose of this section, continue to exist as the governing body of such municipality until there has been an apportionment of assets by agreement of the interested municipalities or by an order of the circuit court. After an agreement for apportionment of assets has been entered into between the interested municipalities, or an order of the circuit court becomes final, a copy of such apportionment agreement, or of such order, certified to by the clerks of the interested municipalities, shall be filed with the department of revenue, the department of natural resources, the department of transportation, the state superintendent of public instruction, the department of administration, and with any other department or agency of the state from which the town may be entitled by law to receive funds or certifications or orders relating to the distribution or disbursement of funds, with the county treasurer, with the treasurer of any municipality, or with any other entity from which payment would have become due if such dissolved municipality from which such territory was transferred had continued in existence. Thereafter payments from the shared revenue account made pursuant to ch. 79, payments of forest crop taxes under s. 77.05, of transportation aids under s. 20.395, of state aids for school purposes under ch. 121, payments for managed forest land under subch. VI of ch. 77 and all payments due from a department or agency of the state, from a county, from a municipality, or from any other entity from which payments would have become due if such dissolved municipality from which such territory was transferred had continued in existence, shall be paid to the interested municipality as provided by such agreement for apportionment of assets or by any order of apportionment by the circuit court and such payments shall have the same force and effect as if made to the dissolved municipality from which such territory was transferred.

SECTION 1760m. 66.03 (13) (bb) of the statutes is amended to read:

66.03 (13) (bb) *Apportionment when court returns territory to former status.* Whenever territory which has been annexed, consolidated, detached or incorporated returns to its former status by reason of a final court determination, there shall be an apportionment of general property taxes and current aids, shared taxes, payments under 1989 Wisconsin Act (this act), section 3048 (3r) and shared revenues to adjust such assets between the municipalities; and no other apportionment of assets and liabilities. The basis of

the apportionment shall be determined by the apportionment board subject to appeal to the circuit court, but the apportionment shall insofar as practicable equitably adjust such assets between the municipalities involved on the basis of the portion of the calendar year the territory was located in the respective municipalities.

SECTION 1760n. 66.03 (13) (bb) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

66.03 (13) (bb) *Apportionment when court returns territory to former status.* Whenever territory which has been annexed, consolidated, detached or incorporated returns to its former status by reason of a final court determination, there shall be an apportionment of general property taxes and current aids, shared taxes and shared revenues to adjust such assets between the municipalities, and no other apportionment of assets and liabilities. The basis of the apportionment shall be determined by the apportionment board subject to appeal to the circuit court, but the apportionment shall insofar as practicable equitably adjust such assets between the municipalities involved on the basis of the portion of the calendar year the territory was located in the respective municipalities.

SECTION 1761. 66.037 (4) (b) of the statutes is amended to read:

66.037 (4) (b) A political subdivision shall notify the state historic preservation officer of any proposed action which it determines under par. (a) would ~~be a significant adverse effect on~~ affect any historical historic property.

~~SECTION 1761m. 66.119 (1) (b) 7. c of the statutes is amended to read:~~

~~66.119 (1) (b) 7. c. That if the alleged violator makes a cash deposit and does not appear in court, either he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment imposed by s. 165.87 and a jail and detention facility assessment imposed by s. 53.46 (1) not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.~~

~~SECTION 1762. 66.119 (1) (b) 7. c of the statutes, as affected by 1989 Wisconsin Act (this act), is amended to read:~~

~~66.119 (1) (b) 7. c. That if the alleged violator makes a cash deposit and does not appear in court, either he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment imposed by s. 165.87 and a jail and detention facility assessment imposed by s. 53.46 302.46 (1) not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.~~

~~SECTION 1762m. 66.119 (1) (b) 7. d of the statutes is amended to read:~~

~~66.119 (1) (b) 7. d. That if the alleged violator does not make a cash deposit and does not appear in court~~

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at the time specified, an action may be commenced against the alleged violator to collect the forfeiture, the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 (1).

SECTION 1763. 66.119 (1) (b) 7. d of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

66.119 (1) (b) 7. d. That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture, the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 302.46 (1).

SECTION 1763m. 66.119 (1) (c) of the statutes is amended to read:

66.119 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of cash deposits which that are to be required for the various ordinance violations, and for the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 (1), for which a citation may be issued. The ordinance shall also specify the court, clerk of court or other official to whom cash deposits are to be made and shall require that receipts be given for cash deposits.

SECTION 1764. 66.119 (1) (c) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

66.119 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of cash deposits that are to be required for the various ordinance violations, and for the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 302.46 (1), for which a citation may be issued. The ordinance shall also specify the court, clerk of court or other official to whom cash deposits are to be made and shall require that receipts be given for cash deposits.

SECTION 1764m. 66.119 (3) of the statutes is amended to read:

66.119 (3) VIOLATOR'S OPTIONS, PROCEDURE ON DEFAULT. (a) The person named as the alleged violator in a citation may appear in court at the time specified in the citation or may mail or deliver personally a cash deposit in the amount, within the time and to the court, clerk of court or other official specified in the citation. If a person makes a cash deposit, the person may nevertheless appear in court at the time specified in the citation, provided that the cash deposit may be retained for application against any forfeiture, penalty assessment or jail and detention facility assessment when that may be imposed.

(b) If a person appears in court in response to a citation, the citation may be used as the initial pleading, unless the court directs that a formal complaint be made, and the appearance confers personal jurisdiction over the person. The person may plead guilty, no contest or not guilty. If the person pleads guilty or no contest, the court shall accept the plea, enter a judgment of guilty and impose a forfeiture, the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 302.46 (1). A plea of not guilty shall put all matters in the case at issue, and the matter shall be set for trial.

tion over the person. The person may plead guilty, no contest or not guilty. If the person pleads guilty or no contest, the court shall accept the plea, enter a judgment of guilty and impose a forfeiture, the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 (1). A plea of not guilty shall put all matters in the case at issue, and the matter shall be set for trial.

(c) If the alleged violator makes a cash deposit and fails to appear in court, the citation may serve as the initial pleading and the violator shall be deemed to have rendered a plea of no contest and submitted to a forfeiture, the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 (1) not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly or reject the plea. If the court accepts the plea of no contest, the defendant may move within 10 days after the date set for the appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If the plea of no contest is accepted and not subsequently changed to a plea of not guilty, no costs or fees may be taxed against the violator, but a penalty assessment and a jail and detention facility assessment shall be assessed. If the court rejects the plea of no contest or if the alleged violator does not make a cash deposit and fails to appear in court at the time specified in the citation, an action for collection of the forfeiture, penalty assessment and jail and detention facility assessment may be commenced. A city or village may commence action under s. 66.12 (1) and a county or town may commence action under s. 778.10. The citation may be used as the complaint in the action for the collection of the forfeiture, penalty assessment and jail and detention facility assessment.

SECTION 1765. 66.119 (3) (b) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

66.119 (3) (b) If a person appears in court in response to a citation, the citation may be used as the initial pleading, unless the court directs that a formal complaint be made, and the appearance confers personal jurisdiction over the person. The person may plead guilty, no contest or not guilty. If the person pleads guilty or no contest, the court shall accept the plea, enter a judgment of guilty and impose a forfeiture, the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 302.46 (1). A plea of not guilty shall put all matters in the case at issue, and the matter shall be set for trial.

SECTION 1766. 66.119 (3) (c) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

Vetoed
in Part

Vetoed
in Part

~~66.119 (3) (c) If the alleged violator makes a cash deposit and fails to appear in court, the citation may serve as the initial pleading and the violator shall be deemed to have rendered a plea of no contest and submitted to a forfeiture, the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 302.46 (1) not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly or reject the plea. If the court accepts the plea of no contest, the defendant may move within 10 days after the date set for the appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If the plea of no contest is accepted and not subsequently changed to a plea of not guilty, no costs or fees may be taxed against the violator, but a penalty assessment and a jail and detention facility assessment shall be assessed. If the court rejects the plea of no contest or if the alleged violator does not make a cash deposit and fails to appear in court at the time specified in the citation, an action for collection of the forfeiture, penalty assessment and jail and detention facility assessment may be commenced. A city or village may commence action under s. 66.12 (1) and a county or town may commence action under s. 778.10. The citation may be used as the complaint in the action for the collection of the forfeiture, penalty assessment and jail and detention facility assessment.~~

~~SECTION 1766m. 66.12 (1) (b) of the statutes is amended to read:~~

~~66.12 (1) (b) Local ordinances, except as provided in this paragraph or ss. 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any or all violations under such those ordinances, and may designate the manner in which the stipulation is to be made and fix the penalty to be paid. When a person charged with a violation for which stipulation of guilt or no contest is authorized makes a timely stipulation and pays the required penalty and pays the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 (1) to the designated official, the person need not appear in court and no witness fees or other additional costs may be taxed unless the local ordinance so provides. A court appearance is required for a violation of a local ordinance in conformity with s. 346.63 (1). The official receiving the penalties shall remit all moneys collected to the treasurer of the county, city, town or village in whose behalf the sum was paid, except that all jail and detention facility assessments shall be remitted to the county treasurer, within 20 days after its receipt by him or her, and in case of any failure in the payment, the treasurer may collect the payment of the officer by action, in the name of the office, and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid. In the case of the penalty assessment~~

~~imposed by s. 165.87, the treasurer of the county, city, town or village shall remit to the state treasurer the sum required by law to be paid on the actions so entered during the preceding month on or before the first day of the next succeeding month. The governing body of the county, city, town, village or other municipal subdivision shall by ordinance designate the official to receive the penalties and the terms under which the official shall qualify.~~

~~SECTION 1767. 66.12 (1) (b) of the statutes, as affected by 1989 Wisconsin Act ... (this act) is amended to read:~~

~~66.12 (1) (b) Local ordinances, except as provided in this paragraph or ss. 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any or all violations under those ordinances, and may designate the manner in which the stipulation is to be made and fix the penalty to be paid. When a person charged with a violation for which stipulation of guilt or no contest is authorized makes a timely stipulation and pays the required penalty and pays the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 302.46 (1) to the designated official, the person need not appear in court and no witness fees or other additional costs may be taxed unless the local ordinance so provides. A court appearance is required for a violation of a local ordinance in conformity with s. 346.63 (1). The official receiving the penalties shall remit all moneys collected to the treasurer of the county, city, town or village in whose behalf the sum was paid, except that all jail and detention facility assessments shall be remitted to the county treasurer, within 20 days after its receipt by him or her, and in case of any failure in the payment, the treasurer may collect the payment of the officer by action, in the name of the office, and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid. In the case of the penalty assessment imposed by s. 165.87, the treasurer of the county, city, town or village shall remit to the state treasurer the sum required by law to be paid on the actions so entered during the preceding month on or before the first day of the next succeeding month. The governing body of the county, city, town, village or other municipal subdivision shall by ordinance designate the official to receive the penalties and the terms under which the official shall qualify.~~

~~SECTION 1768. 66.146 (1) (a) of the statutes is amended to read:~~

~~66.146 (1) (a) "Public office" means the following positions or their equivalent: city engineer; city purchasing agent; commissioner of building inspection, of city development, of health or of public works; director of administration, of budget and management, of community development agency, of employee relations, of office of telecommunications, or of safety; emergency government coordinator; employee benefits administrator; executive director of the commission~~

Vetoed
in Part

on community relations; ~~harbor commissioner~~ municipal port director; tax commissioner; director of liaison; city personnel director; executive director of the retirement board; executive director of the city board of election commissioners; city librarian; city labor negotiator; executive secretary of the board of fire and police commissioners; and supervisor of the central electronics board.

~~SECTION 1769e. 66.317 of the statutes is created to read:~~

Vetoed in Part ~~66.317 Fire protection costs. (1) DEFINITION. In this section, "municipality" means any city, village or town.~~

~~(2) CHARGES TO COUNTY. A municipality may charge the county for any costs incurred in providing fire protection to property that is located in the municipality and owned by the county. The charges shall be made according to a written schedule adopted by the municipality's governing body, after deducting any amount of revenue that the municipality receives as a result of the county property being located in the municipality.~~

~~SECTION 1769m. 66.365 of the statutes is amended 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) ~~(fi)~~ (fq). Use and administration of the grant shall be consistent with any court order issued under s. 147.23 (3). 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 1769pb. 66.405 (3) (g) of the statutes is amended to read:~~

~~66.405 (3) (g) "Development plan" shall mean a plan for the redevelopment of all or any part of an area, and shall include any amendments thereto approved in accordance with the requirements of s. 66.407 (1).~~

~~SECTION 1769pd. 66.407 (title) of the statutes is amended to read:~~

66.407 (title) Redevelopment corporations; limitations; incubator.

~~SECTION 1769pf. 66.407 of the statutes is renumbered 66.407 (1).~~

~~SECTION 1769ph. 66.407 (2) of the statutes is created to read:~~

~~66.407 (2) (a) In this subsection:~~

~~1. "Arts incubator" has the meaning given in s. 44.60 (1) (a).~~

~~2. "Technology-based incubator" has the meaning given in s. 560.60 (18).~~

~~(b) A redevelopment corporation may do all of the following:~~

1. Study the feasibility and initial design for an arts incubator in the development area where the redevelopment corporation operates.

2. Develop and operate an arts incubator in the development area where the redevelopment corporation operates.

3. Apply for a grant or loan under s. 44.60 in connection with an arts incubator.

(c) A redevelopment corporation may, if consistent with a development plan, do all of the following:

1. Study the feasibility and initial design for a technology-based incubator in the development area where the redevelopment corporation operates.

2. Develop and operate a technology-based incubator in the development area where the redevelopment corporation operates.

3. Apply for a grant or loan under s. 560.64 in connection with a technology-based incubator.

~~SECTION 1770t. 66.431 (4) (am), (d) 7 and 8 and (t) of the statutes are created to read:~~

~~66.431 (4) (am) "Arts incubator" has the meaning given in s. 44.60 (1) (a).~~

~~(d) 7. Studying the feasibility of and initial design for an arts incubator, developing and operating an arts incubator and applying for a grant or loan under s. 44.60 in connection with an arts incubator.~~

~~8. Studying the feasibility of and initial design for a technology-based incubator, developing and operating a technology-based incubator and applying for a grant or loan under s. 560.64 in connection with a technology-based incubator.~~

~~(t) "Technology-based incubator" has the meaning given in s. 560.60 (18).~~

~~SECTION 1771e. 66.46 (6) (am) 1 of the statutes is amended to read:~~

~~66.46 (6) (am) 1. No expenditure may be made later than 5 years after the tax incremental district is created, if the tax incremental district is created after December 31, 1980, and is not in a 3rd class city which is located in a county with a population of less than 500,000 and which has boundaries on both sides of the Milwaukee river; no expenditure may be made later than 9 years after the tax incremental district was created, if the tax incremental district is located within a 1st class city and if the tax incremental district was created on or before December 31, 1980, and after May 1, 1976; no expenditure may be made later than 7 years after the tax incremental district was created, if the tax incremental district is located outside a 1st class city and if the tax incremental district was created on or before December 31, 1980, or if the tax incremental district was created after December 31, 1980, and is in a 3rd class city which is located in a county with a population of less than 500,000 and which has boundaries on both sides of the Milwaukee river and after May 1, 1976; no expenditure may be made later than 7 years after the tax incremental district was created, if the tax incremental district was created after January 1, 1984.~~

and before January 1, 1986, and is located in a village incorporated in 1910 that has a population of more than 5,000 and less than 6,000 according to the 1980 federal census and no expenditure may be made later than 8 years after the tax incremental district was created, if the tax incremental district was created on May 1, 1976.

SECTION 1771m. 66.46 (6m) (c) of the statutes is amended to read:

66.46 (6m) (c) The city shall prepare and make available to the public updated annual reports describing the status of each existing tax incremental district, including expenditures and revenues. The city shall send a copy of the annual report to the department of revenue and a copy to each overlying district represented on the joint review board under sub. (4m). This city shall submit the annual report to the department of revenue by May 1 annually. If the city fails to submit the annual report to the department of revenue by May 1, the city's local transportation aids under s. 66.30 (2) shall be reduced as provided in s. 66.303 (5) (e) and (f).

Vetoed
in Part

SECTION 1775g. 66.51 (1) (a) of the statutes is amended to read:

66.51 (1) (a) Every county or city, or both jointly, may construct, purchase, acquire, develop, improve, operate or maintain a county or city building, or both jointly, for a courthouse, safety building, city hall, hospital, armory, library, auditorium and music hall, municipal parking lots or other parking facilities, or municipal center or any combination thereof, or a university of Wisconsin center, if the operation of such center has been approved by the board of regents of the university of Wisconsin system, or a vocational, technical and adult education school with the approval of the vocational, technical and adult education district board and the board of vocational, technical and adult education. This paragraph does not apply to a vocational, technical and adult education school located in a vocational, technical and adult education district that contains a 1st class city.

Vetoed
in Part

SECTION 1775r. 66.755 of the statutes is created to read:

66.755 Sports or entertainment event tax. (1) Any city may impose by ordinance a tax on any person who receives any portion of the gross receipts from the sale of tickets to a for-profit sports or entertainment event, that is open to the public, in any of the following facilities:

(a) A facility located in that city, owned by that city and operated by that city or by a nonprofit nonstock corporation organized under ch. 181.

(b) A facility located in that city, owned by a nonprofit nonstock corporation organized under ch. 181 and operated by such a corporation or by that city.

(2) The tax under this section may not exceed 3% of the portion of gross receipts from ticket charges received by any person subject to the tax.

Vetoed
in Part

(3) The ordinance under sub. (1) shall specify the purpose for which the city intends to spend the tax revenues collected. The city may not use the tax revenues collected for any other purpose and may not continue to impose the tax after that purpose has been satisfied.

Vetoed
in Part

(4) An ordinance enacted under this section may require sports or entertainment event permits, a deposit to secure the payment of the tax required under the ordinance, the filing of a statement of receipts on sports or entertainment events and a forfeiture of not less than \$100 nor more than \$500 for any violation of the ordinance. The ordinance may contain any other provisions necessary for the collection of the tax and the enforcement of the ordinance.

SECTION 1775s. 67.05 (6a) of the statutes is renumbered 67.05 (6a) (a) 1 and amended to read:

67.05 (6a) SCHOOL DISTRICT BONDS, REFERENDUM. (a) 1. Subsections (2) (a) and (6) do not apply to the issuing of bonds or the borrowing of money in excess of \$5,000 by any school district.

2. Except as provided under sub. par. (b) and subs. (7) and (15), if the board of any school district, or the electors at a regularly called school district meeting, by a majority vote adopt an initial resolution to raise an amount of money in excess of \$5,000, by a bond issue, the board shall either direct the school district clerk to call a special election for the purpose of submitting the initial resolution to the electors for approval or rejection or shall direct that the resolution be submitted at the next regularly scheduled primary or election to be held not earlier than 45 days after the action of the board or electors school district clerk shall, within 10 days, publish notice of such adoption as a class 1 notice under ch. 985 or post the notice as provided under s. 10.05. The notice shall state the maximum amount proposed to be borrowed, the purpose of the borrowing, that the resolution was adopted under this subdivision and the place where and the hours during which the resolution may be inspected. If, within 15 days after publication or posting, a petition is filed with the school district clerk for a referendum on the resolution signed by at least 7,500 electors of the school district or at least 20% of the school district electors, as determined under s. 115.01 (13), whichever is less, the resolution shall not be effective unless adopted by a majority of the school district electors voting at the referendum. The question submitted shall be whether the initial resolution shall or shall not be approved. This subsection subdivision does not apply to borrowing by a school district to meet immediate expenses under s. 67.12 (8).

SECTION 1775t. 67.05 (6a) (b) of the statutes is created to read:

67.05 (6a) (b) Paragraph (a) 2 applies only if the amount of money to be raised by the bond issue will cause the aggregate amount of outstanding indebtedness of the school district incurred without a referendum since the effective date of this paragraph

[revisor inserts date], to exceed \$1,000,000 or an amount determined as follows, whichever is less:

1. Divide the full value of all taxable property in all school districts operating a high school, as determined under s. 121.06 (1), by the total membership, as defined in s. 121.004 (5), of all school districts.

2. Multiply the quotient under subd. 1 by 0.015.

3. Multiply the product under subd. 2 by the school district membership, as defined in s. 121.004 (5).

SECTION 1776e. 67.12 (12) (e) 2 of the statutes is amended to read:

67.12 (12) (e) 2. Unless the purpose and amount of the borrowing have been approved by the electors under s. 67.05 (6a) ~~or~~, the purpose is to refund any outstanding municipal obligation or subd. 2g applies, the school district clerk shall, within 10 days after a school board adopts a resolution under subd. 1 to issue a promissory note in excess of \$5,000, publish notice of such adoption as a class 1 notice, under ch. 985. Alternatively, the notice may be posted as provided under s. 10.05. The notice need not set forth the full contents of the resolution, but shall state the maximum amount proposed to be borrowed, the purpose thereof, that the resolution was adopted under this subsection, and the place where, and the hours during which, the resolution may be inspected. If, within 15 days after publication or posting, a petition is filed with the school district clerk for a referendum on the resolution signed by ~~500~~ at least 7,500 electors of the district or at least 20% of the number of district electors voting for governor at the last general election, as determined under s. 115.01 (13), whichever is the lesser, then the resolution shall not be effective unless adopted by a majority of the district electors voting at the referendum. The referendum shall be called in the manner provided under s. 67.05 (6a), except that the question which appears on the ballot shall be "Shall (name of district) borrow the sum of \$.... for (state purpose) by issuing its general obligation promissory note (or notes) under section 67.12 (12) of the Wisconsin Statutes?"

SECTION 1776m. 67.12 (12) (e) 2g of the statutes is created to read:

67.12 (12) (e) 2g. Subdivision 2 applies only if the amount of money to be raised by the promissory note will cause the aggregate amount of outstanding indebtedness of the school district incurred without a referendum since the effective date of this subdivision [revisor inserts date], to exceed \$1,000,000 or an amount determined as follows, whichever is less:

a. Divide the full value of all taxable property in all school districts operating a high school, as determined under s. 121.06 (1), by the total membership, as defined in s. 121.004 (5), of all school districts.

b. Multiply the quotient under subd. 2g. a by 0.015.

c. Multiply the product under subd. 2g. b by the school district membership, as defined in s. 121.004 (5).

~~SECTION 1776f. 69.15 (3) (d) of the statutes is created to read:~~

~~69.15 (3) (d). If the state registrar receives a court order that establishes paternity or receives a statement acknowledging paternity and the court order or acknowledgment is not accompanied by the fee required under s. 69.22, notwithstanding s. 69.22, the state registrar shall make the changes to the birth certificate or issue a new birth certificate in accordance with this subsection without collecting the fee.~~

Vetoed
in Part

~~SECTION 1776fn. 70.11 (2) of the statutes is amended to read:~~

~~70.11 (2). MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION. Property owned by the beneficial owner of which is any county, city, village, town, school district, vocational, technical and adult education district, public inland lake protection and rehabilitation district, metropolitan sewerage district, municipal water district created under s. 198.22 or town sanitary district, lands belonging to cities of any other state used for public parks, land tax-deeded to any county or city before January 2, but any residence located upon property owned by the county for park purposes which is rented out by the county for a nonpark purpose shall not be exempt from taxation. Except as to land acquired under s. 59.965 (2) (d) this exemption shall not apply to land conveyed after August 17, 1961, to any such governmental unit or for its benefit while the grantor or others for his or her benefit are permitted to occupy the land or part thereof in consideration for the conveyance. Leasing the property exempt under this subsection, regardless of the lessee and the use of the leased income, does not render that property taxable.~~

Vetoed
in Part

~~SECTION 1776fp. 70.11 (2m) of the statutes is created to read:~~

~~70.11 (2m). LEASED GOVERNMENTAL PROPERTY. Property the lessor of which is a unit of government specified in sub. (2), if the lessor uses all of the leasehold income for maintenance of the leased property or construction debt retirement of the leased property or both and if the lessee would be exempt from taxation under this chapter if it had title to the property.~~

SECTION 1776u. 70.11 (21) (a) of the statutes is amended to read:

70.11 (21) (a) All property purchased or constructed as a waste treatment facility 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 (8) 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 if that property is not used to grow agricultural products for sale. 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 1777. 70.11 (21) (d) of the statutes is amended to read:

70.11 (21) (d) The department of revenue shall allow an extension to February 15; or, if the owner is subject to tax under ch. 76, to a date determined by the department by rule; of the due date for filing the report form required under par. (c) if a written application for an extension, stating the reason for the request, is filed with the department of revenue before January 15.

SECTION 1778b. 70.11 (27) of the statutes is amended to read:

70.11 (27) MANUFACTURING MACHINERY AND SPECIFIC PROCESSING EQUIPMENT. Manufacturing machinery and specific processing equipment, exclusively and directly used by a manufacturer in manufacturing tangible personal property. In this section, "manufacturing machinery and specific processing equipment" means any combination of electrical, mechanical or chemical means, including special foundations therefor, designed to work together in the transformation of materials or substances into new articles or components, including parts therefor, regardless of ownership and regardless of attachment to real property. This shall not be construed to include materials, supplies, buildings or building components; nor shall it include equipment, tools or implements used to service or maintain manufacturing machinery or equipment. In this section "manufacturing" means the producing, assembling, fabricating, making or milling by machinery and equipment of a new article or components with a different form, use and name from existing materials by a process popularly regarded as manufacturing and as further defined in s. 70.995 (1) and (2). "Manufacturing" does not include generating, transforming, transmitting or furnishing electric current for light, heat or power; generating or furnishing steam or supplying hot water for heat, power or manufacturing purposes. The term also does not include generating and furnishing gas for lighting, fuel or both where the property involved is taxed under ch. 76. This section shall be effective with the May 1, 1974, assessment and thereafter. The exemption under this subsection shall be strictly construed.

Vetoed
in Part

~~SECTION 1778c. 70.11 (31) of the statutes is amended to read:~~

~~70.11 (31) SPORTS AND ENTERTAINMENT FACILITIES. Real and personal property consisting of or contained in a sports and entertainment facility, including related or auxiliary structures, constructed by a non-profit corporation for the purpose of donation to the~~

~~state or to an instrumentality of the state, if the state indicates by legislative or executive action that it will accept the facility. This exemption shall apply during construction and operation if the facility is owned by a nonprofit corporation, the state or an instrumentality of the state. This subsection does not apply to property under ch. 232 if the state or an instrumentality of the state does not receive the property before July 1, 1990.~~

Vetoed
in Part

~~SECTION 1778h. 70.11 (35) of the statutes is created to read:~~

Vetoed
in Part

~~70.11 (35) PROFESSIONAL SPORTS FACILITIES. Real property the lessor of which is a municipality or a county and the lessee of which is a holder of a professional sports franchise.~~

SECTION 1778m. 70.111 (1) of the statutes is amended to read:

70.111 (1) JEWELRY, HOUSEHOLD FURNISHINGS AND APPAREL. Personal ornaments and jewelry, family portraits, private libraries, musical instruments other than pianos, radio equipment, household furniture, equipment and furnishings, apparel, motor bicycles, bicycles, and firearms if such items are kept for personal use by the owner and pianos if they are located in a residence.

SECTION 1778p. 70.111 (3) of the statutes is amended to read:

70.111 (3) BOATS. Watercraft employed regularly in interstate traffic. Watercraft laid up for repairs. All pleasure watercraft used for recreational purposes. Commercial fishing boats. Charter sailboats.

SECTION 1779. 70.111 (9) of the statutes is amended to read:

70.111 (9) (title) TOOLS AND GARDEN MACHINES. The tools of a mechanic if those tools are kept and used in the mechanic's trade and; and garden machines and implements and farm, orchard and garden machinery implements and tools, actually if those machines, implements and tools are owned and used by any person in the business of farming or in the operation of any orchard or garden including leased machinery and implements, and machinery and implements used for custom farming services, or any new farm machinery, stocked and owned by a retailer for farm use. In this subsection, "machine" has the meaning given in sub. (10) (a) 2.

SECTION 1780. 70.111 (10) of the statutes is created to read:

70.111 (10) FARM MACHINERY AND EQUIPMENT. (a) In this subsection:

1. "Building" means any structure that is intended to be a permanent accession to real property; that is designed or used for sheltering people, animals or plants, for storing property or for working, office, parking, sales or display space, regardless of any contribution that the structure makes to the production process in it; that in physical appearance is annexed to that real property; that is covered by a roof or encloses

space; that is not readily moved or disassembled; and that is commonly known to be a building because of its appearance and because of the materials of which it is constructed.

2. "Machine" means an assemblage of parts that transmits force, motion and energy from one part to another in a predetermined manner.

(b) Tractors and machines; including accessories, attachments, fuel and repair parts for them; whether owned or leased, that are used exclusively and directly in farming; including dairy farming, agriculture, horticulture, floriculture and custom farming services; but not including personal property that is attached to, fastened to, connected to or built into real property or that becomes an addition to, component of or capital improvement to real property and not including buildings or improvements to real property, regardless of any contribution that that personal property makes to the production process in them and regardless of the extent to which that personal property functions as a machine.

(c) For purposes of this subsection, the following items retain their character as tangible personal property, regardless of the extent to which they are fastened to, connected to or built into real property:

1. Auxiliary power generators.
2. Bale loaders.
3. Barn elevators.
4. Conveyors.
5. Feed elevators and augers.
6. Grain dryers and grinders.
7. Milk coolers.
8. Milking machines; including piping; pipeline washers and compressors.

Vetoed
in Part

9. ~~Top~~ silo unloaders.

10. Powered feeders, but not including platforms or troughs constructed from ordinary building materials.

SECTION 1780c. 70.111 (22) of the statutes is created to read:

70.111 (22) RENTED PERSONAL PROPERTY. Personal property held for rental for periods of one month or less to multiple users for their temporary use, if the property is not rented with an operator, if the owner is not a subsidiary or affiliate of any other enterprise which is engaged in any business other than personal property rental, if the owner is classified in group number 735, industry number 7359 of the 1987 standard industrial classification manual published by the U.S. office of management and budget and if the property is equipment, including construction equipment but not including automotive and computer-related equipment, television sets, video recorders and players, cameras, photographic equipment, audiovisual equipment, photocopying equipment, sound equipment, public address systems and video tapes; party supplies; appliances; tools; dishes; silverware; tables; or banquet accessories.

SECTION 1780e. 70.111 (23) of the statutes is created to read:

70.111 (23) VENDING MACHINES. All machines that automatically dispense soda water beverages, as defined in s. 97.29 (1) (i), and items included as a food or beverage under s. 77.54 (20) (a) and (b) upon the deposit in the machines of specified coins or currency, or insertion of a credit card, in payment for the soda water beverages, food or beverages.

SECTION 1780em. 70.111 (24) of the statutes is created to read:

70.111 (24) MARKETING RESEARCH COMPUTERS. Computers with rated capacities of at least 30 million instructions per second and computer storage devices that have a capacity of at least 7.5 gigabytes and that are used in conjunction with those computers, if that property is placed in use in this state after January 1, 1989, is owned or leased by a marketing research organization and is used for at least 90% of its use to receive, process and store retail sales data received directly by those computers by electronic means from retail establishments.

Vetoed
in Part
Vetoed
in Part

SECTION 1780g. 70.118 of the statutes is created to read:

70.118 Payments for municipal services by owners of tax exempt property. (1) (a) A municipality may impose a service fee on any category of property exempted from taxation under s. 70.11, except property owned by a federal, state or local unit of government, educational institutions offering regular courses at least 6 months each year, property owned by churches and religious associations except nonprofit hospitals, fire companies, benevolent associations, cemeteries, humane societies, Bible camps, Boy Scouts of America, Boys Clubs of America, Girl Scouts, Camp Fire Girls, Young Men's Christian Associations, Young Women's Christian Associations, Wisconsin Lions Foundation camps for the visually handicapped, camps for the physically handicapped, institutions for dependent children and property on which payments in lieu of taxes are made.

(b) A municipality may refrain from imposing the service fee authorized by par. (a) on any other category of property exempted from taxation under s. 70.11.

(2) (a) The service fee allowed under sub. (1) for each parcel of property shall be based on the value of services that are provided to the property. A service fee imposed under sub. (1) is limited to the value of the following services:

1. Garbage and trash collection and disposal, if the municipality provides those services to the property without charging a fee for them.
2. Police and fire protection.
3. Street construction, repair and maintenance, including traffic control and snow and ice removal.

Vetoed in Part 4. Zoning, building inspection and enforcement of building and sanitary codes and of subdivision regulations.

SECTION 1780r. 70.119 (title) of the statutes is amended to read:

70.119 (title) Payments for municipal services by the state.

SECTION 1780v. 70.119 (6) of the statutes is renumbered 70.119 (6) (a) and amended to read:

70.119 (6) (a) No later than November 15 annually, the department shall report to the cochairpersons of the committee the results of its negotiations and the total payments proposed to be made in the subsequent calendar year. In computing the proposed payments to a municipality, the department shall base its calculations on the values of state facilities determined by the department for January 1 of the year preceding the year of the report and the values of improvements to property in the municipality as determined under s. 70.57 (1) for January 1 of the year preceding the year of the report, and shall also base its calculations on revenues and expenditures of the municipality as reported under s. 73.10 (2) for the year preceding the year of the report.

(b) If the cochairpersons of the committee do not notify the department that the committee has scheduled a meeting for the purpose of reviewing the proposed total payments within 14 working days after the date of on which the department's report is received, the department may make the payments. If, within 14 working days after the date of on which the department's report is received, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the proposed total payments, the department shall not make the payments without the approval of the committee.

SECTION 1781. 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 department of development agriculture, trade and consumer protection by the clerk of the governing body which ordered the plat. The department of development agriculture, trade and consumer protection shall review the plat within 30 days of its receipt. No such plat may be given final approval by the local governing body until the department of development agriculture, trade and consumer protection 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 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 the plat corrected. If no suit is brought within

the 30-day period, the plat may be approved by the governing body, and filed for record. If a suit is brought, approval shall be withheld until the suit is decided. The plat shall then be revised in accordance with the decision if necessary, and, without rereferral to the department of development agriculture, trade and consumer protection unless 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 1781m. 70.395 (2) (k) of the statutes is amended to read:

70.395 (2) (k) Prior to the beginning of each fiscal year, the board shall certify to the department of administration for payment from the investment and local impact fund any sum necessary for the department of natural resources to make payments under s. 144.442 for the environmental repair of mining waste sites, if moneys in the environmental repair management fund that are available for environmental repair are insufficient to make complete payments during that fiscal year. This sum may not exceed the balance in the environmental repair fund at the beginning of that fiscal year or 50% of the balance in the investment and local impact fund at the beginning of that fiscal year, whichever amount is greater.

SECTION 1781r. 70.47 (1) of the statutes is amended to read:

70.47 (1) TIME AND PLACE OF MEETING. The board of review shall meet annually at any time during the 7-day 30-day period beginning on the 2nd Monday of May. In towns and villages the board shall meet at the town or village hall or some place designated by the town or village board. If there is no such hall, it shall meet at the clerk's office, or in towns at the place where the last annual town meeting was held. In cities the board shall meet at the council chamber or some place designated by the council and in cities of the 1st class in some place designated by the tax commissioner of such cities. A majority shall constitute a quorum except that 2 members may hold any hearing of the evidence required to be held by such board under subs. (8) and (10), if the requirements of sub. (9) are met.

~~SECTION 1792b. 70.57 (1) of the statutes is amended to read:~~

~~70.57 (1) The department of revenue before August 15 of each year shall complete the valuation of the property of each county and taxation district of the state. From all the sources of information accessible~~

Vetoed in Part

Vetoed
in Part

to it the department shall determine and assess by class the value of all property subject to general property taxation in each county and taxation district. If the department is satisfied that the assessment by a county assessor under s. 70.99 is at full value, it may adopt that value as the state's full value. It shall set down a list of all the counties and taxation districts and opposite to the name of each county and taxation district the valuation determined by the department, which shall be the full value according to its best judgment. There shall also be prepared a list of all the counties of the state, with opposite the name of each county the valuation determined, which shall be certified by the secretary of revenue as the assessment of the counties of the state made by the department, and be delivered to the department of administration. In any case where the department, through mistake or inadvertence, has assessed to any county or taxation district, in the current year or in the previous year, a greater or less valuation for any year than should have been assessed, it shall correct the error by adding to or subtracting from (as the case may be) the valuation of the county or taxation district as determined by it at the assessment in the year after the error is discovered, the amount omitted from or added to the true valuation of the county in the former assessment in consequence of the error, and the result shall be taken as the full value of the county for the latter year and a final correction of the error. The department shall include in the valuation of each county and taxation district the "estimated value," as defined in s. 70.114 (1) (b), of land for which aids are required to be paid during the next calendar year under s. 70.114.

SECTION 1792m. 70.99 (12) of the statutes is amended to read:

70.99 (12) Under a county assessor system, beginning with calendar year 1974 and each year thereafter, the state shall pay the lesser of 75% of the actual cost of the operation of the county assessment system or 75% of the sum of two-tenths of one mill multiplied by the full value of a county and \$3.95 multiplied by the total number of all land parcels in the county as reported by the county assessor and reviewed by the department of revenue (but in either case not including any expense of any municipal civil service examination, any examination given by the division of merit recruitment and selection in the department of employment relations, any expense of the municipal board of review or any expense of developing basic computer programs available from the state free of charge). The county treasurer shall, on or before February 15, 1975, and every February 15 thereafter, certify to the department of revenue the expense of operating the county assessor system for the preceding calendar year and such other information as is necessary on forms prescribed by the department. When satisfied with the correctness of the information submitted and after verifying the county's compliance with sub. (13), the department of revenue shall com-

pute the state's share of the expense of operating the county assessor system and shall certify that amount to the department of administration for payment to the county under s. ~~20.855 (4) (f)~~ 20.835 (6) (a) not later than July 1. No county whose county assessor system fails to meet one or more of the requirements in sub. (13) shall be eligible for any payment under this section.

SECTION 1793. 70.995 (2) (intro.) of the statutes is amended to read:

70.995 (2) FURTHER CLASSIFICATION. (intro.) In addition to the criteria set forth in sub. (1), property shall be deemed prima facie manufacturing property and eligible for assessment under this section if it is included in one of the following major group classifications set forth in the standard industrial classification manual, 1972 1987 edition, published by the U.S. ~~printing office~~ office of management and budget. For the purposes of this section, any other property described in this subsection shall also be deemed manufacturing property and eligible for assessment under this section:

SECTION 1794. 70.995 (2) (w) of the statutes is amended to read:

70.995 (2) (w) ~~7395~~ 7384--Photofinishing laboratories.

~~SECTION 1795g. 70.995 (6) of the statutes is amended to read:~~

~~70.995 (6) Prior to January 1 of each year the department of revenue shall notify each municipal assessor of the manufacturing property within the taxation district that will be assessed by the department during the current assessment year and shall solicit information about that property from the municipal assessor. In assessing that property the department of revenue shall consider, in addition to the factors under ss. 70.32 (1) and 70.34, the information provided by the municipal assessor, the property's replacement cost, fire insurance data, building inspection reports and building permits.~~

~~SECTION 1795m. 70.995 (7) (b) of the statutes is amended to read:~~

~~70.995 (7) (b) Each 2 years in counties having a population of 500,000 or more and each 5 years in other counties, or more frequently if the department of revenue's workload permits and if in the department's judgment it is desirable, the department of revenue shall complete a field investigation or on-site appraisal at full value under ss. 70.32 (1) and 70.34 of all manufacturing property in this state.~~

SECTION 1798. 70.995 (9) of the statutes is amended to read:

70.995 (9) Any aggrieved party may appeal a determination by the tax appeals commission under sub. (8) ~~to the circuit court for the county in which the property is located or to the circuit court of for Dane county under s. 73.015.~~

Vetoed
in Part

SECTION 1800. 71.01 (6) (a) of the statutes is amended to read:

71.01 (6) (a) For taxable year 1987, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, "internal revenue code" means the federal internal revenue code as amended to December 31, 1986, and as amended by P.L. 100-203 and P.L. 100-647 and as indirectly affected by P.L. 99-514, P.L. 100-203 and P.L. 100-647 as it applies to taxable year 1987, except that for taxable years that end after July 1, 1987, and before December 31, 1987, "internal revenue code" does not include changes to the federal internal revenue code made by sections 142, 802 and 803 and subtitle A of title XI of P.L. 99-514. Amendments to the internal revenue code enacted after December 31, 1986, do not apply to this paragraph with respect to taxable year 1987, except that changes to the internal revenue code made by P.L. 100-203 and P.L. 100-647 and changes that indirectly affect the federal internal revenue code made by P.L. 100-203 and P.L. 100-647 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1801. 71.01 (6) (b) of the statutes is amended to read:

71.01 (6) (b) For taxable years that end after July 1, 1988, and before December 31, 1988, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, "internal revenue code" means the federal internal revenue code as amended to December 31, 1986, ~~except that changes to the internal revenue code made by P.L. 100-203 apply for Wisconsin purposes at the same time as for federal purposes and as amended by P.L. 100-203 and P.L. 100-647 and as indirectly affected by P.L. 99-514, P.L. 100-203 and P.L. 100-647.~~ Amendments to the internal revenue code enacted after December 31, 1986, ~~except those made by P.L. 100-203,~~ do not apply to this paragraph for taxable years that end after July 1, 1988, and before December 31, 1988, except that changes to the internal revenue code made by P.L. 100-203 and P.L. 100-647 and changes that indirectly affect the federal internal revenue code made by P.L. 100-203 and P.L. 100-647 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1802. 71.01 (6) (c) of the statutes is amended to read:

71.01 (6) (c) For taxable years that begin after December 31, 1987, and before January 1, 1989, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, "internal revenue code" means the federal internal revenue code as amended to December 31, 1987, and as amended by P.L. 100-647 and as indirectly affected by P.L. 99-514, P.L. 100-203 and P.L. 100-647. Amendments to the federal internal revenue code enacted after December 31, 1987, do not apply to this paragraph with respect to taxable years beginning after December 31, 1987, and before January 1, 1989,

except that changes to the internal revenue code made by P.L. 100-647 and changes that indirectly affect the federal internal revenue code made by P.L. 100-647 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1803. 71.01 (6) (d) of the statutes is created to read:

71.01 (6) (d) For taxable years that begin after December 31, 1988, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, "internal revenue code" means the federal internal revenue code as amended to December 31, 1988, and as indirectly affected by P.L. 99-514, P.L. 100-203 and P.L. 100-647. Amendments to the federal internal revenue code enacted after December 31, 1988, do not apply to this paragraph with respect to taxable years beginning after December 31, 1988.

SECTION 1803m. 71.01 (7r) of the statutes is created to read:

71.01 (7r) Notwithstanding sub. (6), for purposes of computing amortization or depreciation, "internal revenue code" means either the federal internal revenue code as amended to December 31, 1988, or the federal internal revenue code in effect for the taxable year for which the return is filed, except that property that, under s. 71.02 (2) (d) 12, 1985 stats., is required to be depreciated for taxable year 1986 under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980.

SECTION 1804. 71.01 (12) of the statutes is amended to read:

71.01 (12) "Taxable year" means the taxable year period upon the basis of which the taxable income of the taxpayer is computed under the internal revenue code. References to a particular taxable year include the taxable year coinciding with the calendar year named and all other taxable years ending on or after July 1 in such calendar year or on or before June 30 following such calendar year for federal income tax purposes. The taxable year of a taxpayer who keeps his or her accounting records on the basis of a 52-53 week period ends on the last day of the month closest to the end of the 52-53 week period.

SECTION 1805. 71.01 (14) of the statutes is amended to read:

71.01 (14) "Wisconsin net operating loss" of persons other than corporations means "federal net operating loss" adjusted as prescribed in s. 71.05 (6) (a) and (b) (intro.) and 1 to 8, (7) to (12), and (19), (20) and to (21), except that no deductions allowable on schedule A for federal income tax purposes are allowable.

SECTION 1806. 71.02 of the statutes is renumbered 71.02 (1) and amended to read:

71.02 (1) For the purpose of raising revenue for the state and the counties, cities, villages and towns, there shall be assessed, levied, collected and paid a tax on all

net incomes of individuals and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds subject to the tax under s. 71.23 (2), by every natural person residing within the state or by his or her personal representative in case of death, and trusts administered within the state; by every nonresident natural person and trust of this state, upon such income as is derived from property located or business transacted within the state, and also by every nonresident natural person upon such income as is derived from the performance of personal services within the state, except as exempted under s. 71.05 (1) to (3). Every natural person domiciled in the state shall be deemed to be residing within the state for the purposes of determining liability for income taxes and surtaxes.

(2) In determining whether or not an individual resides within this state for purposes of this section ~~contributions made to charitable organizations in this state, the following are not relevant:~~

(3) This section shall not be construed to prevent or affect the correction of errors or omissions in the assessments of income for former years under s. 71.74 (1) and (2).

SECTION 1807. 71.02 (2) (a) to (e) of the statutes are created to read:

71.02 (2) (a) Contributions made to charitable organizations in this state.

(b) Directorships in corporations operating in this state.

(c) Accounts, as defined in s. 710.05 (1) (a), held in financial institutions, as defined in s. 710.05 (1) (c), located in this state.

(d) Corpuses of trusts, in which the individual is a trustee or a beneficiary, located in this state.

(e) Retention of professional services of brokers, as defined in s. 408.303, and of attorneys and accountants located in this state.

SECTION 1808. 71.03 (2) (a) 3 of the statutes is amended to read:

71.03 (2) (a) 3. Every natural person for whom a deduction from tax under s. 71.07 (8) (b) is allowable to another taxpayer for the taxable year shall file a return if that natural person has gross income, not including earned income, of ~~\$1,000~~ \$500 or more.

SECTION 1809. 71.03 (3) (a) of the statutes is renumbered 71.03 (3) and amended to read:

71.03 (3) ~~Where~~ If a natural person or fiduciary files a federal income tax return for a fractional part of the year ~~or where a Wisconsin income tax return for a fractional part of the year is necessary in making transition to reporting on the basis of income reported for federal tax purposes, the person shall file a Wisconsin income tax return for such that fractional year. That person shall compute and report income on the basis of the period for which that return is filed, and such that fractional year shall constitute an income a taxable year.~~

SECTION 1810. 71.03 (3) (b) of the statutes is repealed.

SECTION 1811. 71.03 (6) (a) of the statutes is amended to read:

71.03 (6) (a) Reports required under this section shall be made on or before April 15 following the close of a year referred to in sub. (2) (a) ~~or when if~~ such person's fiscal year is other than the calendar year, then on or before the 15th day of the 4th month following the close of such fiscal year, or if the return is for less than a full taxable year on the date applicable for federal income taxes under the internal revenue code, to the department of revenue, in the manner and form prescribed by the department of revenue, whether notified to do so or not. Such persons shall be subject to the same penalties for failure to report as those who receive notice. If the taxpayer is unable to make his or her own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

SECTION 1812. 71.04 (1) (a) of the statutes is amended to read:

71.04 (1) (a) All income or loss of resident individuals and resident estates and trusts shall follow the residence of the individual, estate or trust. Income or loss of nonresident individuals and nonresident estates and trusts from business, not requiring apportionment under sub. (4), (10) or (11), shall follow the situs of the business from which derived. All items of income, loss and deductions of nonresident individuals and nonresident estates and trusts derived from a tax-option corporation not requiring apportionment under sub. (9) shall follow the situs of the business of the corporation from which derived. Income or loss of nonresident individuals and nonresident estates and trusts derived from rentals and royalties from real estate or tangible personal property, or from the operation of any farm, mine or quarry, or from the sale of real property or tangible personal property shall follow the situs of the property from which derived. Income from personal services of nonresident individuals, including income from professions, shall follow the situs of the services. Income of nonresident individuals, estates and trusts from the state lottery under ch. 565 is taxable by this state. Income of nonresident individuals, estates and trusts from any multistate lottery under ch. 565 is taxable by this state, but only if the winning lottery ticket or lottery share was purchased from a retailer, as defined in s. 565.01 (6), located in this state or from the lottery board. Income of nonresident individuals, nonresident trusts and nonresident estates from pari-mutuel winnings and purses subject to s. 562.07 (4) (a) is taxable by this state. All other income or loss of nonresident individuals and nonresident estates and trusts, including income or loss derived from land contracts, mortgages, stocks, bonds and securities or from the sale of similar intangible personal property, shall follow the

residence of such persons, except as provided in par. (b) and sub. (9).

SECTION 1813. 71.04 (6) (e) of the statutes is amended to read:

71.04 (6) (e) If the taxpayer has no employees or the department determines that employees are not a substantial income-producing factor, the department may order or permit the elimination of the payroll factor ~~and use only the arithmetical average of the other 2 factors to arrive at the Wisconsin apportionment percentage.~~

SECTION 1814. 71.04 (7) (a) of the statutes is amended to read:

71.04 (7) (a) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period. ~~With respect to~~ For sales of tangible personal property, the numerator of the sales factor is the sales of the taxpayer during the tax period under par. (b) ~~other than sales deemed to be in this state because the taxpayer is not within the jurisdiction of the destination state for income tax purposes 1 and 2 plus 50% of the sales deemed to be in this state because of the taxpayer is not within the jurisdiction of the destination state for income tax purposes during the tax period under pars. (b) 2m and 3 and (c).~~

SECTION 1815. 71.04 (7) (b) of the statutes is renumbered 71.04 (7) (b) (intro.) and amended to read:

71.04 (7) (b) (intro.) Sales of tangible personal property are in this state if: ~~the~~ any of the following occur:

1. The property is delivered or shipped to a purchaser, other than the U.S. federal government, within this state regardless of the f.o.b. point or other conditions of the sale; ~~or the~~

2. The property is shipped from an office, store, warehouse, factory or other place of storage in this state and ~~the purchaser is delivered to the U.S. federal government or the taxpayer is not within the jurisdiction, for income tax purposes of the destination state within this state regardless of the f.o.b. point or other conditions of sale.~~

SECTION 1815m. 71.04 (7) (b) 2m of the statutes is created to read:

71.04 (7) (b) 2m. The property is shipped from an office, store, warehouse, factory or other place of storage in this state and delivered to the federal government outside this state.

SECTION 1815n. 71.04 (7) (b) 2m of the statutes, as created by 1989 Wisconsin Act (this act), is amended to read:

71.04 (7) (b) 2m. The property is shipped from an office, store, warehouse, factory or other place of storage in this state and delivered to the federal government outside this state and the taxpayer is not within

the jurisdiction, for income or franchise tax purposes, of the destination state.

SECTION 1817. 71.04 (7) (b) 3 of the statutes is created to read:

71.04 (7) (b) 3. The property is shipped from an office, store, warehouse, factory or other place of storage in this state to a purchaser other than the federal government and the taxpayer is not within the jurisdiction, for income or franchise tax purposes, of the destination state.

SECTION 1817m. 71.05 (1) (a) of the statutes is amended to read:

71.05 (1) (a) (title) *Retirement systems.* All payments received from the U.S. civil service retirement system, the U.S. military employee retirement system, the employee's retirement system of the city of Milwaukee, Milwaukee county employees' retirement system, sheriff's annuity and benefit fund of Milwaukee county, police officer's annuity and benefit fund of Milwaukee, fire fighter's annuity and benefit fund of Milwaukee, or the public employee trust fund as successor to the Milwaukee public school teachers' annuity and retirement fund and to the Wisconsin state teachers retirement system, which are paid on the account of any person who was a member of the paying or predecessor system or fund as of December 31, 1963, or was retired from any of the systems or funds as of December 31, 1963, but such exemption shall not exclude from gross income tax sheltered annuity benefits.

SECTION 1818. 71.05 (5) of the statutes is amended to read:

71.05 (5) FRACTIONAL YEAR. When an income tax return is required to be filed for a fractional part of a year under s. 71.03 (3) ~~(a)~~, the Wisconsin taxable income shall be placed on an annual basis ~~as provided under s. 71.03 (3) (b)~~ using the method applicable for federal income taxes under section 443 (b) (1) of the internal revenue code.

SECTION 1821. 71.05 (6) (a) 15 of the statutes is amended to read:

71.05 (6) (a) 15. The amount of the credits claimed computed under s. 71.07 (2di), (2dj), (2dL) and (2ds) and not passed through by a partnership or tax-option corporation that has added that amount to the partnership's or tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g).

SECTION 1823. 71.05 (8) (b) of the statutes is amended to read:

71.05 (8) (b) A Wisconsin net operating loss may be carried forward against Wisconsin taxable incomes of the next 15 taxable years to the extent not offset against other income of the year of loss and to the extent not offset against Wisconsin modified taxable income of any year between the loss year and the taxable year for which the loss carry-forward is claimed. In this paragraph, "Wisconsin modified taxable income" means Wisconsin taxable income with the following exceptions: a net operating loss deduction

or offset for the loss year or any taxable year thereafter is not allowed, the deduction for long-term capital gains under section 1202 of the internal revenue code sub. (6) (b) 9 is not allowed, the amount deductible for losses from sales or exchanges of capital assets may not exceed the amount includable in income for gains from sales or exchanges of capital assets and "Wisconsin modified taxable income" may not be less than zero.

SECTION 1824. 71.05 (22) (d) of the statutes is amended to read:

Vetoed
in Part

Vetoed
in Part

71.05 (22) (d) ~~(d) Deduction limits, 1988. For~~
Except as provided in par. (f), for taxable year 1988 and thereafter, the Wisconsin standard deduction is whichever of the following amounts is appropriate. For a single individual who has a Wisconsin adjusted gross income of less than \$7,500, the standard deduction is \$5,200. For a single individual who has a Wisconsin adjusted gross income of at least \$7,500 but not more than \$50,830, the standard deduction is the amount obtained by subtracting from \$5,200 12% of Wisconsin adjusted gross income in excess of \$7,500 but not less than \$0. For a single individual who has a Wisconsin adjusted gross income of more than \$50,830, the standard deduction is \$0. For a married couple filing jointly that has an aggregate Wisconsin adjusted gross income of less than \$10,000, the standard deduction is \$8,900. For a married couple filing jointly that has an aggregate Wisconsin adjusted gross income of at least \$10,000 but not more than \$55,000, the standard deduction is the amount obtained by subtracting from \$8,900 19.778% of aggregate Wisconsin adjusted gross income in excess of \$10,000 but not less than \$0. For a married couple filing jointly that has an aggregate Wisconsin adjusted gross income of more than \$55,000, the standard deduction is \$0. For a married individual filing separately who has a Wisconsin adjusted gross income of less than \$4,750, the standard deduction is \$4,230. For a married individual filing separately who has a Wisconsin adjusted gross income of at least \$4,750 but not more than \$26,140, the standard deduction is the amount obtained by subtracting from \$4,230 19.778% of Wisconsin adjusted gross income in excess of \$4,750 but not less than \$0. For a married individual filing separately who has a Wisconsin adjusted gross income of more than \$26,140, the standard deduction is \$0. The secretary of revenue shall prepare a table under which deductions under this paragraph shall be determined. That table shall be published in the department's instructional booklets.

Vetoed
in Part

~~SECTION 1824m. 71.05 (22) (dm) of the statutes is created to read:~~

~~71.05 (22) (dm) Deduction limits, 1989 and thereafter. Except as provided in par. (f), for taxable year 1989 and thereafter, the Wisconsin standard deduction is whichever of the following amounts is appropriate. For a single individual who has a Wisconsin adjusted gross income of less than \$7,500, the stan-~~

~~dard deduction is \$5,200. For a single individual who has a Wisconsin adjusted gross income of at least \$7,500 but not more than \$50,830, the standard deduction is the amount obtained by subtracting from \$5,200 12% of Wisconsin adjusted gross income in excess of \$7,500 but not less than \$0. For a single individual who has a Wisconsin adjusted gross income of more than \$50,830, the standard deduction is \$0. For a head of household who has a Wisconsin adjusted gross income of less than \$10,000, the standard deduction is \$7,050. For a head of household who has a Wisconsin adjusted gross income of at least \$10,000 but not more than \$50,830, the standard deduction is the amount obtained by subtracting from \$7,050 17.267% of Wisconsin adjusted gross income in excess of \$10,000 but not less than \$0. For a head of household who has a Wisconsin adjusted gross income of more than \$50,830, the standard deduction is \$0. For a married couple filing jointly that has an aggregate Wisconsin adjusted gross income of less than \$10,000, the standard deduction is \$8,900. For a married couple filing jointly that has an aggregate Wisconsin adjusted gross income of at least \$10,000 but not more than \$55,000, the standard deduction is the amount obtained by subtracting from \$8,900 19.778% of aggregate Wisconsin adjusted gross income in excess of \$10,000 but not less than \$0. For a married couple filing jointly that has an aggregate Wisconsin adjusted gross income of more than \$55,000, the standard deduction is \$0. For a married individual filing separately who has a Wisconsin adjusted gross income of less than \$4,750, the standard deduction is \$4,230. For a married individual filing separately who has a Wisconsin adjusted gross income of at least \$4,750 but not more than \$26,140, the standard deduction is the amount obtained by subtracting from \$4,230 19.778% of Wisconsin adjusted gross income in excess of \$4,750 but not less than \$0. For a married individual filing separately who has a Wisconsin adjusted gross income of more than \$26,140, the standard deduction is \$0. The secretary of revenue shall prepare a table under which deductions under this paragraph shall be determined. That table shall be published in the department's instructional booklets.~~

Vetoed
in Part

SECTION 1825. 71.05 (22) (f) of the statutes is amended to read:

71.05 (22) (f) *Limitation for dependent who files return.* In the case of a taxpayer with respect to whom a deduction under s. 71.07 (8) is allowable to another person, the Wisconsin standard deduction shall not exceed the taxpayer's earned income, as defined in section 911 (b) of the internal revenue code as of December 31, 1976, that is taxable under this chapter if that earned income is more than \$500 and shall not be less than \$500 if that earned income is \$500 or less.

~~SECTION 1825m. 71.05 (N) (Intro.) of the statutes is amended to read:~~

Vetoed
in Part

Vetoed
in Part

~~71.06 (1) (intro.) FIDUCIARIES, SINGLE INDIVIDUALS AND HEADS OF HOUSEHOLDS. (intro.) The tax to be assessed, levied and collected upon the taxable incomes of all fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, and single individuals and heads of households for calendar year 1987-1989 and corresponding fiscal years and for calendar and fiscal years thereafter shall be computed at the following rates:~~

SECTION 1826. 71.06 (2m) of the statutes is created to read:

71.06 (2m) RATE CHANGES. If a rate under sub. (1) or (2) changes during a taxable year, the taxpayer shall compute the tax for that taxable year by the methods applicable to the federal income tax under section 15 of the internal revenue code.

SECTION 1827. 71.06 (3) (intro.) of the statutes is amended to read:

71.06 (3) TAX TABLE. (intro.) The secretary of revenue shall prepare a table from which the tax in effect on taxable personal income ~~of less than \$10,000~~ shall be determined. Such table shall be published in the department's appropriate instructional booklets. The form and the tax computations of the table shall be substantially as follows:

SECTION 1828. 71.06 (3) (b) of the statutes is amended to read:

71.06 (3) (b) The first 2 columns shall contain the minimum and the maximum amounts, respectively, of taxable income in brackets of not more than \$100. Computation of tax on taxable income ~~of \$10,000 and over in excess of the amount shown on the table~~ may be set forth at the foot of such table.

SECTION 1829. 71.06 (3) (c) of the statutes is amended to read:

71.06 (3) (c) The 3rd column shall show the amount of the tax payable for each bracket before the allowance of any ~~deduction for personal exemptions or exemptions for dependents credit~~. The tax shall be computed at the rates in effect, which rates shall be applied to the amount of income at the middle of each bracket. The amount of tax for each bracket shall be computed ~~only to the nearest 40 cents~~ dollar.

SECTION 1830am. 71.07 (2di) (a) (intro.) of the statutes is amended to read:

71.07 (2di) (a) (intro.) Except as provided in ~~par. (dm) and (f)~~ and s. 73.03 (35), for any taxable year for which the person is certified under s. 560.765 (3) for tax benefits, any person may claim as a credit against taxes otherwise due under this chapter 2.5% of the ~~amount expended to purchase price of depreciable~~, tangible personal property, or 1.75% of the ~~amount expended to purchase price of depreciable~~, tangible personal property that is expensed under section 179 of the internal revenue code for purposes of the taxes under this chapter, except that:

SECTION 1831. 71.07 (2di) (a) 1 of the statutes is amended to read:

71.07 (2di) (a) 1. The investment must be in property that is purchased after the person is certified under s. 560.765 (3) for tax benefits and that is used only for at least 50% of its use in the conduct of the business operations for which the claimant is certified under s. 560.765 (3) at a location in a development zone under subch. V VI of ch. 560 or, if the property is mobile, the base of operations of the property for at least 50% of its use must be a location in a development zone.

SECTION 1832. 71.07 (2di) (a) 2 of the statutes is amended to read:

71.07 (2di) (a) 2. The credit under this subsection may be claimed only by the person who purchased the property the investment in which is the basis for the credit, except that only partners may claim the credit based on purchases by a partnership and except that only shareholders may claim the credit based on purchases by a tax-option corporation.

SECTION 1833. 71.07 (2di) (a) 3 of the statutes is amended to read:

71.07 (2di) (a) 3. If the credit is claimed for used property, the claimant may not have used the property for business purposes at a location outside the development zone. If the credit is attributable to a partnership or tax-option corporation, that entity may not have used the property for business purposes at a location outside the development zone.

SECTION 1834. 71.07 (2di) (b) of the statutes is amended to read:

71.07 (2di) (b) The credit, including any credits carried over, may be offset only against the amount of the tax otherwise due under this chapter attributable to income from the business operations of the claimant in the development zone and against the tax attributable to income from directly related business operations of the claimant. Partnerships and tax-option corporations may not claim the credit under this subsection, but the eligibility for, and amount of, that credit shall be determined on the basis of their economic activity, not that of their shareholders or partners. The corporation or partnership shall compute the amount of the credit that may be claimed by each of its shareholders or partners and shall provide that information to each of its shareholders or partners. Partners and shareholders of tax-option corporations may claim the partnership's or corporation's credit based on the partnership's or corporation's activities in proportion to their ownership interest and may offset it against the tax attributable to their income from the partnership's or corporation's business operations in the development zone and against the tax attributable to their income from the partnership's or corporation's directly related business operations.

SECTION 1834m. 71.07 (2di) (d) 2 of the statutes is amended to read:

71.07 (2di) (d) 2. A statement from the department of development verifying the amount purchase price

of the investment and verifying that the investment fulfills the requirements under par. (a).

SECTION 1835am. 71.07 (2di) (dm) of the statutes is created to read:

71.07 (2di) (dm) In calculating the credit under par. (a), a claimant shall reduce the purchase price of the property by a percentage equal to the percentage of use of the property during the taxable year the property is first placed into service that is for a purpose not specified under par. (a) 1.

SECTION 1836. 71.07 (2di) (e) of the statutes is amended to read:

71.07 (2di) (e) The recapture provisions under section 47 (a) (5) of the internal revenue code as amended to December 31, 1985, as they apply to the credit under section 46 of the internal revenue code, apply to the credit under this subsection, except that those provisions also apply if the property for which the credit is claimed is moved out of the development zone or, for mobile property, if the base of operations is moved out of the zone and except that the determination of whether or not property is 3-year property shall be made under section 168 of the internal revenue code.

SECTION 1837. 71.07 (2di) (f) of the statutes is repealed and recreated to read:

71.07 (2di) (f) If the certification of a person for tax benefits under s. 560.765 (3) is revoked, that person may claim no credits under this subsection for the taxable year that includes the day on which the certification is revoked or succeeding taxable years and that person may carry over no unused credits from previous years to offset tax under this chapter for the taxable year that includes the day on which certification is revoked or succeeding taxable years.

SECTION 1838. 71.07 (2di) (g) of the statutes is amended to read:

71.07 (2di) (g) If a person who ~~has claimed a credit under this subsection~~ is certified under s. 560.765 (3) for tax benefits ceases business operations in the development zone during any of the taxable years that that zone exists, that person may not carry over to any taxable year following the year during which operations cease any unused credits from the taxable year during which operations cease or from previous taxable years.

SECTION 1839. 71.07 (2dj) (a) of the statutes is repealed.

SECTION 1840. 71.07 (2dj) (am) 1 of the statutes is amended to read:

71.07 (2dj) (am) 1. Modify "member of a targeted group", as defined in section 51 (d) of the internal revenue code, to include ~~dislocated farmers~~, persons unemployed as a result of a business action subject to s. 109.07 (1) and persons ~~whose unemployment benefits have expired specified under 29 USC 1652 (a) and to require a member of a targeted group to be a resident of this state.~~

SECTION 1841. 71.07 (2dj) (am) 2 of the statutes is amended to read:

71.07 (2dj) (am) 2. Modify "designated local agency", as defined in section 51 (d) (15) of the internal revenue code, to include the job training partnership act organization for the area that includes the development zone in which the employee in respect to whom the credit under this subsection is claimed works, if the department of development approves the criteria used for certification, and the department of development ~~if the criteria used for certification are the same as those used by the person who is the designated local agency for the purposes of that section.~~

SECTION 1842. 71.07 (2dj) (am) 4 of the statutes is amended to read:

71.07 (2dj) (am) 4. Modify "qualified wages" as defined in section 51 (b) of the internal revenue code to exclude wages paid before the claimant is certified for tax benefits under s. 560.765 (3) and to exclude wages that are paid to employees for work at any location that is not in a development zone under subch. ~~VI~~ of ch. 560 and to exclude wages paid to leased or rented employees by the person to whom they are leased or rented. For purposes of this subdivision, mobile employees work at their base of operations and leased or rented employees work at the location where they perform services.

SECTION 1843. 71.07 (2dj) (am) 4e of the statutes is created to read:

71.07 (2dj) (am) 4e. Modify section 51 (c) (2) of the internal revenue code to specify that the rules for on-the-job training and work supplementation payments also apply to those kinds of payments funded by this state.

SECTION 1844. 71.07 (2dj) (am) 4g of the statutes is created to read:

71.07 (2dj) (am) 4g. Delete section 51 (c) (4) of the internal revenue code.

SECTION 1845. 71.07 (2dj) (am) 4m of the statutes is created to read:

71.07 (2dj) (am) 4m. Modify the rule on remuneration under section 51 (f) of the internal revenue code so that it does not apply to persons who are exempt from tax under this chapter.

SECTION 1846. 71.07 (2dj) (am) 4t of the statutes is created to read:

71.07 (2dj) (am) 4t. Modify section 51 (i) (3) of the internal revenue code so that for leased or rented employees, except employees of a leasing agency certified for tax benefits under s. 560.765 (3) who perform services directly for the agency in a development zone, the minimum employment periods apply to the time that they perform services in a development zone for a single lessee or renter, not to their employment by the leasing agency.

SECTION 1847. 71.07 (2dj) (am) 7 of the statutes is amended to read:

71.07 (2dj) (am) 7. Modify section 51 of the internal revenue code as under subds. 1 to ~~4~~ 4t.

SECTION 1848. 71.07 (2dj) (c) of the statutes is amended to read:

71.07 (2dj) (c) The credit under this subsection may not be claimed by partnerships and tax-option corporations but the eligibility for, and the amount of, that credit shall be determined on the basis of their economic activity, not that of their shareholders or partners. The corporation or partnership shall compute the amount of credit that may be claimed by each of its shareholders or partners and shall provide that information to each of its shareholders or partners. That credit may be claimed by partners and shareholders of tax-option corporations in proportion to their ownership interests.

SECTION 1849. 71.07 (2dj) (e) 2 of the statutes is repealed.

SECTION 1850. 71.07 (2dj) (e) 3 of the statutes is amended to read:

71.07 (2dj) (e) 3. A statement from the department of development verifying the ~~information under subd. 2~~ amount of qualifying wages and verifying that the employees were hired for work only in a development zone or are mobile employees whose base of operations is in a development zone.

SECTION 1851. 71.07 (2dL) (a) of the statutes is repealed and recreated to read:

71.07 (2dL) (a) Except as provided in pars. (ag), (ar), (bm) and (f) and s. 73.03 (35), for any taxable year for which the person is certified under s. 560.765 (3) for tax benefits, any person may claim as a credit against taxes otherwise due under this subchapter an amount equal to 2.5% of the amount expended by that person to acquire, construct, rehabilitate or repair real property in a development zone under subch. VI of ch. 560.

SECTION 1852. 71.07 (2dL) (ag) of the statutes is created to read:

71.07 (2dL) (ag) If the credit under par. (a) is claimed for an amount expended to construct, rehabilitate, remodel or repair property, the claimant must have begun the physical work of construction, rehabilitation, remodeling or repair, or any demolition or destruction in preparation for the physical work, after the place where the property is located was designated a development zone under s. 560.71 and the completed project must be placed in service after the claimant is certified for tax benefits under s. 560.765 (3). In this paragraph, "physical work" does not include preliminary activities such as planning, designing, securing financing, researching, developing specifications or stabilizing the property to prevent deterioration.

SECTION 1853. 71.07 (2dL) (ar) of the statutes is created to read:

71.07 (2dL) (ar) If the credit under par. (a) is claimed for an amount expended to acquire property, the property must have been acquired by the claimant after the claimant is certified for tax benefits under s.

560.765 (3) and the property must not have been previously owned by the claimant or a related person during the period the development zone is in existence or during the 2 years prior to the designation of the development zone under s. 560.71. No credit is allowed for an amount expended to acquire property until the property, either in its original state as acquired by the claimant or as subsequently constructed, rehabilitated, remodeled or repaired, is placed in service.

SECTION 1853m. 71.07 (2dL) (aw) of the statutes is created to read:

71.07 (2dL) (aw) In par. (ar), property is previously owned by a claimant or a related person if a claimant may not deduct a loss from a sale to, or exchange of property with, that related person under section 267 of the internal revenue code, except that section 267 (b) of the internal revenue code is modified so that any ownership percentage, rather than 50% ownership, makes a claimant subject to section 267 (a) (1) of the internal revenue code for purposes of this subsection.

SECTION 1854. 71.07 (2dL) (bm) of the statutes is created to read:

71.07 (2dL) (bm) In calculating the credit under par. (a) a claimant shall reduce the amount expended to acquire property by a percentage equal to the percentage of the area of the real property not used for the purposes for which the claimant is certified to claim tax benefits under s. 560.765 (3) and shall reduce the amount expended for other purposes by the amount expended on the part of the property not used for the purposes for which the claimant is certified to claim tax benefits under s. 560.765 (3).

SECTION 1855. 71.07 (2dL) (e) of the statutes is amended to read:

71.07 (2dL) (e) Partnerships and tax-option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, that credit shall be determined on the basis of their economic activity, not that of their shareholders or partners. The corporation or partnership shall compute the amount of credit that may be claimed by each of its shareholders or partners and provide that information to its shareholders or partners. Partners and shareholders of tax-option corporations may claim the credit based on the partnership's or corporation's ~~credit activities~~ in proportion to their ownership interest and may offset it against the tax attributable to their income from the partnership's or corporation's business operations in the development zone and against the tax attributable to their income from the partnership's or corporation's directly related business operations.

SECTION 1856. 71.07 (2ds) (a) 2 of the statutes is amended to read:

71.07 (2ds) (a) 2. "Eligible property" means construction materials and supplies and other materials that are used to construct, rehabilitate, repair or remodel real property located in a development zone

that is eligible for the credit under sub. (2dL) and investment credit property.

SECTION 1857am. 71.07 (2ds) (a) 3 of the statutes is amended to read:

71.07 (2ds) (a) 3. "Investment credit property" means depreciable, tangible personal property that is purchased by a person who uses it at a location in a development zone and that is eligible for the credit under sub. (2di) and leased or rented depreciable, tangible personal property that would be eligible for the credit under sub. (2di) if it had been purchased.

SECTION 1858. 71.07 (2ds) (b) of the statutes is amended to read:

71.07 (2ds) (b) Except as provided in ~~par.~~ pars. (dm) and (e) and s. 73.03 (35), for any taxable year for which the person is certified under s. 560.765 (3) for tax benefits, any person may claim as a credit against taxes otherwise due under this chapter the taxes paid under subchs. III and V of ch. 77 on their purchases, leases and rentals of eligible property. Partnerships and tax-option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, that credit shall be determined on the basis of their economic activity, not that of their partners or shareholders. The partnership or corporation shall compute the amount of credit that may be claimed by each of its partners or shareholders and shall provide that information to each of its partners or shareholders. Partners and shareholders of tax-option corporations may claim the credit based on the partnership's or corporation's credit activities in proportion to their ownership interest.

SECTION 1859. 71.07 (2ds) (d) 3 of the statutes is repealed.

SECTION 1860. 71.07 (2ds) (dm) of the statutes is created to read:

71.07 (2ds) (dm) In calculating the credit under par. (b) a claimant shall reduce the sales tax paid for building supplies and materials by the reduction under sub. (2dL) (bm) and shall reduce the sales tax paid for investment credit property by the percentage reduction under sub. (2di) (dm).

SECTION 1861. 71.07 (2fd) (a) of the statutes is amended to read:

71.07 (2fd) (a) *Credit.* Except as provided in par. (b), if the director of the agriculture stabilization and conservation service certifies on or before October 1, 1988, that at least 40% of the crops in this state have been lost, for taxable year 1988 any claimant may credit against taxes otherwise due under this chapter an amount equal to 10% of the property taxes exclusive of special assessments, delinquent interest and charges for service, up to \$10,000, on that claimant's farm for the year for which the claim under this subsection is made. In this subsection, "farm" means 35 or more acres of real property in this state owned by the claimant or any member of the claimant's household during the ~~income~~ taxable year for which a credit

under this subsection is claimed if the farm, during that year, produced not less than \$6,000 in gross farm profits resulting from the farm's agricultural use, as defined in s. 91.01 (1), or if the farm, during that year and the 2 years immediately preceding that year, produced not less than \$18,000 in such profits. In deciding who is a claimant under this subsection, the department of revenue shall be guided by s. 71.58 (1) (a) to (g).

SECTION 1862. 71.07 (2fd) (b) of the statutes is amended to read:

71.07 (2fd) (b) (title) *Limits.* The credit under this subsection plus the credit under subch. IX may not exceed 95% of the property taxes on the farm. A claimant may claim the credit under this subsection on only one return if the claimant files more than one return for taxable year 1988 and may not claim the credit on a return filed for any 1988 taxable year beginning after July 31, 1988.

SECTION 1863. 71.07 (2fd) (c) of the statutes is amended to read:

71.07 (2fd) (c) *Form.* No claim under this subsection may be allowed unless the claimant completes a form prescribed by the department of revenue and submits that form with the claimant's income or franchise tax return and within 12 months following the close of the ~~income~~ taxable year in which the property taxes accrued.

SECTION 1864m. 71.07 (3m) of the statutes is created to read:

71.07 (3m) FARMLAND TAX RELIEF CREDIT. (a) *Definitions.* In this subsection:

1. "Claimant" means an owner of farmland, as defined in s. 91.01 (9), domiciled in this state during the entire year for which a credit under this subsection is claimed, except as follows:

a. When 2 or more individuals of a household are able to qualify individually as a claimant, they may determine between them who the claimant shall be. If they are unable to agree, the matter shall be referred to the secretary of revenue, whose decision is final.

b. For partnerships except publicly traded partnerships treated as corporations under s. 71.22 (1), "claimant" means each individual partner.

c. For purposes of filing a claim under this subsection, the personal representative of an estate and the trustee of a trust shall be deemed owners of farmland. "Claimant" does not include the estate of a person who is a nonresident of this state on the person's date of death, a trust created by a nonresident person, a trust which receives Wisconsin real property from a nonresident person or a trust in which a nonresident settlor retains a beneficial interest.

d. For purposes of filing a claim under this subsection, when land is subject to a land contract, the claimant shall be the vendee under the contract.

e. For purposes of filing a claim under this subsection, when a guardian has been appointed under ch.

880 for a ward who owns the farmland, the claimant shall be the guardian on behalf of the ward.

f. For a tax-option corporation, "claimant" means each individual shareholder.

2. "Department" means the department of revenue.

3. "Farmland" means 35 or more acres of real property, exclusive of improvements, in this state, in agricultural use, as defined in s. 91.01 (1), and owned by the claimant or any member of the claimant's household during the taxable year for which a credit under this subsection is claimed if the farm of which the farmland is a part, during that year, produced not less than \$6,000 in gross farm profits resulting from agricultural use, as defined in s. 91.01 (1), or if the farm of which the farmland is a part, during that year and the 2 years immediately preceding that year, produced not less than \$18,000 in such profits, or if at least 35 acres of the farmland, during all or part of that year, was enrolled in the conservation reserve program under 16 USC 3831 to 3836.

4. "Gross farm profits" means gross receipts, excluding rent, from agricultural use, as defined in s. 91.01 (1) including the fair market value at the time of disposition of payments in kind for placing land in federal programs or payments from the federal dairy termination program under 7 USC 1446 (d), less the cost or other basis of livestock or other items purchased for resale which are sold or otherwise disposed of during the taxable year.

5. "Household" means an individual and his or her spouse and all minor dependents.

6. "Property taxes accrued" means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on the farmland owned by the claimant or any member of the claimant's household in any calendar year under ch. 70, less the tax credit, if any, afforded in respect of the property by s. 79.10. If farmland is owned by a tax-option corporation or by 2 or more persons or entities as joint tenants, tenants in common or partners or is marital property or survivorship marital property and one or more such persons, entities or owners is not a member of the claimant's household, "property taxes accrued" is that part of property taxes levied on the farmland, reduced by the tax credit under s. 79.10, that reflects the ownership percentage of the claimant and the claimant's household. For purposes of this subdivision, property taxes are "levied" when the tax roll is delivered to the local treasurer for collection. If farmland is sold during the calendar year of the levy the "property taxes accrued" for the seller is the amount of the tax levy, reduced by the tax credit under s. 79.10, prorated to each in the closing agreement pertaining to the sale of the farmland, except that if the seller does not reimburse the buyer for any part of those property taxes there are no "property taxes accrued" for the seller, and the "property taxes accrued" for the buyer is the property taxes levied on

the farmland, reduced by the tax credit under s. 79.10, minus, if the seller reimburses the buyer for part of the property taxes, the amount prorated to the seller in the closing agreement. With the claim for credit under this subsection, the seller shall submit a copy of the closing agreement and the buyer shall submit a copy of the closing agreement and a copy of the property tax bill.

(b) *Filing claims.* 1. 'Eligibility and qualifications.'

a. Subject to the limitations provided in this subsection and s. 71.80 (3) and (3m), a claimant may claim as a credit against Wisconsin income taxes otherwise due, the amount derived under par. (c). If the allowable amount of claim exceeds the income taxes otherwise due on the claimant's income or if there are no Wisconsin income taxes due on the claimant's income, the amount of the claim not used as an offset against income taxes shall be certified to the department of administration for payment to the claimant by check, share draft or other draft paid from the appropriation under s. 20.835 (2) (q).

b. Every claimant under this subsection shall supply, at the request of the department, in support of the claim, a copy of the property tax bill relating to the farmland and certification by the claimant that all taxes owed by the claimant on the property for which the claim is made for the year before the year for which the claim is made have been paid.

2. 'Ineligible claims.' No credit may be allowed under this subsection:

a. Unless a claim is filed with the department within 12 months following the close of the taxable year in which the property taxes accrued.

b. If the department determines that ownership of the farmland has been transferred to the claimant for the purpose of maximizing benefits under this subsection.

3. 'Amended claim.' A claimant who has filed a timely claim under this subsection may file an amended claim with the department of revenue within 4 years of the last day prescribed by law for filing the original claim.

(c) *Computation.* 1. Any claimant may claim against taxes otherwise due under this chapter 10% of the property taxes accrued in the taxable year to which the claim relates, up to a maximum claim of ~~\$1,420 for taxable year 1988 and \$1,000 for taxable year 1990~~ **Vetoed in Part** and thereafter, except that the credit under this subsection plus the credit under subch. IX may not exceed 95% of the property taxes accrued on the farm.

2. For ~~taxable year 1989~~ **Vetoed in Part**, any claimant may claim against taxes otherwise due under this chapter an additional 4.2% of the property taxes accrued ~~in taxable year 1988~~ **Vetoed in Part**, subject to the limitations in subd. 1.

(d) *General provisions.* Section 71.61 (1) to (4) as it applies to the credit under subch. IX applies to the credit under this subsection.

SECTION 1864o. 71.07 (5) (intro.) of the statutes is amended to read:

71.07 (5) ITEMIZED DEDUCTIONS CREDIT. (intro.) ~~For taxable year 1986 and thereafter, single~~ Single persons, married persons filing separately and married persons filing jointly may claim as a credit against, but not to exceed the amount of, Wisconsin net income taxes due an amount calculated as follows:

SECTION 1864r. 71.07 (5) (a) 7 of the statutes is amended to read:

71.07 (5) (a) 7. The amount of interest in excess of \$1,200, or \$600 for a married person filing separately, not paid on a loan to purchase or refinance a residence and, not paid on a land contract and not paid on a loan to purchase or refinance real property sold on a land contract.

SECTION 1866. 71.07 (6) (a) of the statutes is amended to read:

71.07 (6) (a) Married persons filing a joint return, except those who reduce their gross income under section 911 or 931 of the internal revenue code, may claim as a credit against, but not to exceed the amount of, Wisconsin net income taxes otherwise due an amount equal to ~~2.5%~~ 2% of the earned income of the spouse with the lower earned income, but not more than ~~\$450~~ \$300. In this paragraph, "earned income" means qualified earned income, as defined in section 221 (b) of the internal revenue code as amended to December 31, 1985, plus employee business expenses under section 62 (2) (B) to (D) of that code, allocable to Wisconsin under s. 71.04, plus amounts received by the individual for services performed in the employ of the individual's spouse minus the amount of disability income excluded under s. 71.05 (6) (b) 4 and minus any other amount not subject to tax under this chapter. Earned income is computed notwithstanding the fact that each spouse owns an undivided one-half interest in the whole of the marital property. A marital property agreement or unilateral statement under ch. 766 transferring income between spouses has no effect in computing earned income under this paragraph.

SECTION 1868. 71.07 (9) (b) of the statutes is amended to read:

71.07 (9) (b) Subject to the limitations under this subsection, a claimant may claim as a credit against, but not to exceed the amount of, taxes under s. 71.02, ~~8.5%~~ 10% of the first \$2,000 of property taxes or rent constituting property taxes, or ~~8.5%~~ 10% of the first \$1,000 of property taxes or rent constituting property taxes of a married person filing separately.

SECTION 1870m. 71.07 (9e) of the statutes is created to read:

71.07 (9e) EARNED INCOME TAX CREDIT. (a) Any natural person may credit against income taxes otherwise due an amount equal to one of the following percentages of the federal earned income credit for which the person is eligible for the taxable year under section 32 of the internal revenue code:

1. If the person has one dependent child who has the same principal place of abode as the person, 5%.

2. If the person has 2 dependent children who have the same principal place of abode as the person, 25%.

3. If the person has more than 2 dependent children who have the same principal place of abode as the person, 75%.

(b) No credit may be allowed under this subsection to married persons, except married persons living apart who are treated as single under section 7703 (b) of the internal revenue code, if the husband and wife report their income on separate income tax returns for the taxable year.

(c) Part-year residents and nonresidents of this state are not eligible for the credit under this subsection.

(d) The department of revenue may enforce the credit under this subsection and may take any action, conduct any proceeding and proceed as it is authorized in respect to taxes under this chapter. The income tax provisions in this chapter relating to assessments, refunds, appeals, collection, interest and penalties apply to the credit under this subsection.

(e) No credit may be allowed under this subsection unless it is claimed within the time period under s. 71.75 (2).

(f) Except as provided in s. 71.80 (3) and (3m), if the allowable amount of the claim under this subsection exceeds the taxes otherwise due under this chapter or no taxes are due under this chapter, the amount of the claim not used to offset taxes due shall be certified by the department of revenue to the department of administration for payment by check, share draft or other draft drawn from the appropriation under s. 20.835 (2) (f).

SECTION 1871. 71.07 (9m) (title) and (a) of the statutes are amended to read:

71.07 (9m) (title) SUPPLEMENT TO FEDERAL HISTORIC REHABILITATION CREDIT. (a) Any person may credit against taxes otherwise due under this chapter, up to the amount of those taxes, an amount equal to 5% of the costs of qualified rehabilitation expenditures, as defined in section 48 (g) ~~2~~ (2) of the internal revenue code, ~~as amended to December 31, 1987, for certified historic structures on property located in this state if the physical work of construction or destruction in preparation for construction begins after December 31, 1988, and the rehabilitated property is placed in service after June 30, 1989.~~

SECTION 1872. 71.07 (9m) (b) of the statutes is repealed.

SECTION 1873. 71.07 (9m) (c) of the statutes is created to read:

71.07 (9m) (c) No person may claim the credit under this subsection unless the claimant includes with the claimant's return evidence that the rehabilitation was approved by the secretary of the interior under 36 CFR 67.6 before the physical work of con-

struction, or destruction in preparation for construction, began.

SECTION 1874. 71.07 (9m) (d) of the statutes is amended to read:

71.07 (9m) (d) The Wisconsin adjusted basis of the property building shall be reduced by the amount of any credit awarded under this subsection. The Wisconsin adjusted basis of a partner's interest in a partnership or of stock in a tax-option corporation shall be adjusted to take into account adjustments made under this paragraph.

SECTION 1875. 71.07 (9m) (e) of the statutes is amended to read:

71.07 (9m) (e) The provisions of s. 71.28 (4) ~~(e)~~, (e), ~~(f)~~, (g) and (h), as they apply to the credit under s. 71.28 (4), apply to the credit under this subsection.

SECTION 1876. 71.07 (9m) (f) of the statutes is amended to read:

71.07 (9m) (f) A partnership or tax-option corporation may not claim the credit under this subsection. The individual partners and or shareholders in a tax-option corporation may claim the credit under this subsection based on eligible costs incurred by a the partnership or tax-option corporation, in proportion to the ownership interest of each partner or shareholder. The partnership or tax-option corporation shall calculate the amount of the credit which may be claimed by each partner or shareholder and shall provide that information to the partner or shareholder.

SECTION 1877d. 71.07 (9r) (title) and (a) of the statutes are amended to read:

71.07 (9r) (title) STATE HISTORIC REHABILITATION CREDIT. (a) For taxable years ~~1989 and 1990~~ beginning on or after August 1, 1988, any person may credit against taxes otherwise due under this chapter an amount equal to 25% of the ~~approved~~ costs of preservation or rehabilitation of historic property located in this state if the physical work of construction or destruction in preparation for construction begins after December 31, 1988, except that the credit may not exceed ~~\$50,000~~ \$10,000, or \$5,000 for married persons filing separately, for any preservation or rehabilitation project.

SECTION 1878. 71.07 (9r) (b) 2 of the statutes is amended to read:

71.07 (9r) (b) 2. The historic property is ~~nondepreciable~~ a human burial site or an archaeological site, as defined in s. 44.47 (1) (b), or the historic property is an owner-occupied personal residence or other property not eligible for the credit under sub. (9m) if the residence or property is not actively used in a trade or business, held for the production of income or held for sale or other disposition in the ordinary course of the claimant's trade or business.

SECTION 1879. 71.07 (9r) (b) 3. b of the statutes is amended to read:

71.07 (9r) (b) 3. b. The proposed preservation or rehabilitation plan complies with standards promul-

gated under s. 44.02 (24) and the completed preservation or rehabilitation substantially complies with the proposed plan.

SECTION 1880. 71.07 (9r) (b) 4 of the statutes is amended to read:

71.07 (9r) (b) 4. The preservation or rehabilitation work is completed within 2 years after the ~~commencement~~ date that the physical work of construction or destruction in preparation for construction begins, except in the case of any preservation or rehabilitation which is initially planned for completion in phases, in which case the work shall be completed within 5 years after the ~~commencement~~ date that the physical work of construction or destruction in preparation for construction begins.

SECTION 1881. 71.07 (9r) (b) 5 of the statutes is amended to read:

71.07 (9r) (b) 5. The expenditures for preservation or rehabilitation of the historic property ~~which are approved under subd. 3. b and are incurred within the time period in subd. 4~~ exceed the Wisconsin adjusted basis of the historic property on the date that preservation or rehabilitation is commenced or greater of \$1,000, whichever is greater or the adjusted basis of the building if the historic property is a building or of the entire property if the historic property is not a building on the date that the physical work of construction, or destruction in preparation for construction, begins.

SECTION 1882. 71.07 (9r) (b) 7 of the statutes is amended to read:

71.07 (9r) (b) 7. The costs were not incurred before the state historical society approved the proposed preservation or rehabilitation plan under subd. 3. b.

SECTION 1883. 71.07 (9r) (c) of the statutes is amended to read:

71.07 (9r) (c) The Wisconsin adjusted basis of the building if the historic property is a building or of the entire property if the historic property is not a building shall be reduced by the amount of any credit awarded under this subsection. The Wisconsin adjusted basis of a partner's interest in a partnership or of stock in a tax-option corporation shall be adjusted to take into account adjustments made under this paragraph.

SECTION 1884. 71.07 (9r) (d) and (e) of the statutes are repealed.

SECTION 1885. 71.07 (9r) (g) of the statutes is amended to read:

71.07 (9r) (g) The provisions of s. 71.28 (4) ~~(e)~~, (e) ~~and (f)~~, (g) ~~to (i)~~ and (h), as they apply to the credit under s. 71.28 (4), apply to the credit under this subsection.

SECTION 1886. 71.07 (9r) (h) of the statutes is created to read:

71.07 (9r) (h) A partnership or tax-option corporation may not claim the credit under this subsection. The individual partners or shareholders in a tax-

option corporation may claim the credit under this subsection, based on eligible costs incurred by the partnership or tax-option corporation, in proportion to the ownership interest of each partner or shareholder. The partnership or tax-option corporation shall calculate the amount of the credit which may be claimed by each partner or shareholder and shall provide that information to the partner or shareholder.

SECTION 1887. 71.07 (9r) (i) of the statutes is created to read:

71.07 (9r) (i) If the historic property is owned by 2 or more persons that hold legal title or equitable title as a land contract vendee and are not joint tenants, tenants in common or spouses owning marital property, the credit under this subsection may be claimed as follows:

1. For projects benefiting one owner, a person may claim the credit based on eligible costs incurred individually.

2. For projects benefiting 2 or more owners, a person may claim the credit based on eligible costs incurred by the benefiting owners in proportion to the person's ownership interest.

SECTION 1888. 71.07 (9r) (j) of the statutes is created to read:

71.07 (9r) (j) No person may claim the credit under this subsection for any of the following:

1. Rehabilitation of a personal residence if the claimant claimed a credit under this subsection for the rehabilitation of another personal residence within the 5 preceding taxable years.

2. Rehabilitation of property if the property was acquired by the claimant under an agreement requiring the claimant to sell or otherwise dispose of the property back to the previous owner within 5 years after the date that the property was acquired.

SECTION 1889. 71.08 (1) (intro.) of the statutes is amended to read:

71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married couple filing jointly, trust or estate under s. 71.02, not considering the credits under s. 71.07 (1), (2di), (2dj), (2dL), (2ds) and (6) and subchs. VIII and IX and payments to other states under s. 71.07 (7), is less than the tax under this section, there is imposed on that natural person, married couple filing jointly, trust or estate, instead of the tax under s. 71.02, an alternative minimum tax computed as follows:

SECTION 1890. 71.08 (1) (intro.) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married couple filing jointly, trust or estate under s. 71.02, not considering the credits under ss. 71.07 (1), (2di), (2dj), (2dL), (2ds), (3m) and (6), 71.28 (1di), (1dj), (1dL), (1ds) and (2m) and 71.47 (1di), (1dj), (1dL), (1ds) and (2m) and subchs. VIII and IX and payments to other states under s. 71.07

(7), is less than the tax under this section, there is imposed on that natural person, married couple filing jointly, trust or estate, instead of the tax under s. 71.02, an alternative minimum tax computed as follows:

SECTION 1891. 71.08 (1) (a) of the statutes is amended to read:

71.08 (1) (a) Adjust the alternative minimum taxable income, as defined in section 55 (b) (2) of the internal revenue code, by the amounts under s. 71.05 (6) to (21), except s. 71.05 (6) (a) 13 and (b) 5 and (8) ~~(b)~~, by the amounts needed to modify federal alternative tax net operating loss deductions to reflect differences between Wisconsin net operating loss deductions and federal net operating loss deductions for minimum tax purposes. The department of revenue shall by rule define Wisconsin net operating loss deductions for minimum tax purposes.

SECTION 1891e. 71.08 (1) (bm) of the statutes is created to read:

71.08 (1) (bm) For stocks acquired after December 31, 1987, under incentive stock options, as defined in section 422A (b) of the internal revenue code:

1. At the time that the incentive stock option is included in alternative minimum taxable income under section 56 (b) (3) of the internal revenue code, subtract from the amount in par. (b) 20% of the amount included in federal alternative minimum taxable income under section 56 (b) (3) of the internal revenue code.

2. At the time that the stock that was subject to subd. 1 is disposed of, add 20% of the gain or loss adjustment resulting from the basis adjustment made under section 56 (b) (3) of the internal revenue code to the amount in par. (b).

SECTION 1891g. 71.08 (1) (c) of the statutes is amended to read:

71.08 (1) (c) For nonresidents and part-year residents, adjust the amount under par. ~~(b)~~ (bm) so that itemized deductions and personal exemptions are prorated on the basis of the ratio of Wisconsin adjusted gross income to federal adjusted gross income.

SECTION 1891m. 71.09 (2) of the statutes is amended to read:

71.09 (2) WHO SHALL PAY. Every individual, estate and trust deriving income subject to taxation under this chapter, other than wages as defined in s. 71.63 (6) upon which taxes are withheld by the individual's employer under subch. X, shall pay estimated income tax and alternative minimum tax. This section does not apply to ~~the first or 2nd taxable year of an estate or to~~ any person on active duty with the U.S. armed forces while stationed outside the continental United States. This section does not apply to any taxable year ending before the date 2 years after the date of a decedent's death with respect to the estate of such decedent or any trust all of which is treated under subpart E of part I of subchapter J of chapter 1 of the internal reve-

nue code as owned by the decedent and to which the residue of the decedent's estate will pass under his or her will. This section does not apply to any trust that is subject to tax under this chapter on unrelated business taxable income as defined under section 512 of the internal revenue code. Those trusts are subject to estimated tax payments under s. 71.29.

SECTION 1891p. 71.09 (13) (d) of the statutes is amended to read:

71.09 (13) (d) If 22.5% for the first instalment, 45% for the 2nd instalment, 67.5% for the 3rd instalment and 90% for the 4th instalment of the tax for the taxable year computed by annualizing, under methods prescribed by the department of revenue, the taxpayer's income for the months in the taxable year ending before the instalment's due date is less than the instalment required under par. (a), the taxpayer may pay the amount under this paragraph rather than the amount under par. (a). Any taxpayer who pays an amount calculated under this paragraph shall increase the next instalment computed under par. (a) by an amount equal to the difference between the amount paid under this paragraph and the amount that would have been paid under par. (a). The income of any estate or trust for the months in the taxable year ending before the date one month before the due date for the instalment shall be annualized in calculating the instalments under this paragraph.

SECTION 1892. 71.09 (14) of the statutes is amended to read:

71.09 (14) EXCEPTION TO FINAL INSTALMENT. If a taxpayer files a return for a calendar year on or before January 31 of the succeeding calendar year (or if a taxpayer on a fiscal year basis files a return on or before the last day of the first month immediately succeeding the close of such fiscal year) and pays in full at the time of such filing the amount computed on the return as payable, then, if estimated taxes are not required to be paid on or before the 15th day of the 9th month of the income taxable year but are required to be paid on or before January 15 of the succeeding income taxable year (or the date corresponding thereto in the case of a fiscal year), such return shall be considered as such payment.

SECTION 1893. 71.09 (15) (a) of the statutes is amended to read:

71.09 (15) (a) Any individual deriving income from wages, as defined in s. 71.63 (6), which is subject to taxation under this chapter who pays 100% of the estimated tax for the following calendar or income taxable year on or before the last day of the current calendar or income taxable year is entitled to complete exemption from payroll withholding under subch. X for such following calendar or income taxable year.

SECTION 1894. 71.09 (15) (b) of the statutes is amended to read:

71.09 (15) (b) No employer shall recognize exemption from payroll withholding for any employee who does not furnish a certificate prepared by the depart-

ment of revenue satisfactorily showing that the employee has paid the estimated tax within the time and manner prescribed in this subsection with respect to the calendar or income taxable year for which such exemption is sought.

~~SECTION 1894g. 71.10 (3) (a) of the statutes is amended to read:~~

~~71.10 (3) (a) Every individual filing an income tax return who has a tax liability or is entitled to a tax refund may designate \$1 \$2 for the Wisconsin election campaign fund for the use of eligible candidates under s. 11.50. If the individuals filing a joint return have a tax liability or are entitled to a tax refund, each individual may make a designation of \$1 \$2 under this subsection.~~

Vetoed
in Part

SECTION 1895. 71.10 (4) (dm) of the statutes is amended to read:

71.10 (4) (dm) ~~Historic structure~~ Supplement to federal historic rehabilitation credit under s. 71.07 (9m).

SECTION 1896. 71.10 (4) (dr) of the statutes is amended to read:

71.10 (4) (dr) ~~Historic State historic~~ rehabilitation credit under s. 71.07 (9r).

SECTION 1898. 71.10 (4) (i) of the statutes is amended to read:

71.10 (4) (i) The total of claim of right credit under s. 71.07 (1), farmland preservation credit under subch. IX, homestead credit under subch. VIII, farmland tax relief credit under s. 71.07 (3m), farmers' drought property tax credit under s. 71.07 (2fd), development zones sales tax credit under s. 71.07 (2ds), development zones jobs credit under s. 71.07 (2dj), earned income tax credit under s. 71.07 (9e), estimated tax payments under s. 71.09, and taxes withheld under subch. X.

SECTION 1898g. 71.10 (5) (g) of the statutes is amended to read:

71.10 (5) (g) Tax return. The secretary of revenue shall provide a place for the designations under this subsection on the individual income tax return and the secretary shall highlight that place on the return by a symbol chosen by the department of revenue that relates to endangered resources.

SECTION 1899. 71.13 (2) (b) of the statutes is amended to read:

71.13 (2) (b) Upon receipt of such returns, the department shall immediately determine the amount of taxes including interest, penalties and costs to be payable, as well as any delinquent income, withholding, sales, use and gift taxes, penalties, interest and costs due, and shall certify such amounts to the court. The court shall thereupon enter an order directing the executor, administrator, personal representative or trustee to pay the amounts found to be due by the department and take its receipt therefor. The receipt shall be evidence of the payment and shall be filed with the court before a final distribution of the estate or trust is ordered and the executor, administrator,

personal representative or trustee is discharged. The filing of such receipt shall in no manner affect the obligation of the executor, administrator, personal representative or trustee to file income, sales and withholding returns covering transactions reportable during the final ~~income~~ taxable year of the estate or trust and to pay income, sales, use and withholding taxes, penalties, interest and costs due as the result of such transactions.

SECTION 1900. 71.14 (2) of the statutes is amended to read:

71.14 (2) A trust created ~~by a decedent~~ at death by will, contract, declaration of trust or implication of law ~~by a decedent who at the time of death was a resident of this state~~ shall be considered resident at the domicile of the decedent at the time of the decedent's death until transferred by the court having jurisdiction under s. 72.27 to another court's jurisdiction. After jurisdiction is transferred, the trust shall be considered resident at the place to which jurisdiction is transferred. The hearing to transfer jurisdiction shall be held only after giving written notice to the department of revenue under s. 879.05.

SECTION 1900m. 71.17 (5) of the statutes is amended to read:

71.17 (5) TRUSTS THAT ARE EXEMPT FROM FEDERAL INCOME TAX. Trusts exempt from federal income tax pursuant to subtitle A, chapter ~~I~~ 1, subchapter F of the internal revenue code shall to the same extent be exempt from taxation under this chapter.

SECTION 1901. 71.21 (4) of the statutes is created to read:

71.21 (4) Credits computed by a partnership under s. 71.07 (2di), (2dj), (2dL) and (2ds) and passed through to partners shall be added to the partnership's income.

SECTION 1902. 71.22 (4) (a) of the statutes is amended to read:

71.22 (4) (a) Except as provided in sub. (5) and ss. 71.26 (2) (b) and (3), 71.34 (1g) and 71.42 (2), "internal revenue code", for taxable year 1987, means the federal internal revenue code as amended to December 31, 1986, and as amended by P.L. 100-203 and P.L. 100-647 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203 and P.L. 100-647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2) and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647 as it applies to taxable year 1987, except that for taxable years 1987 that end after July 1 and before December 31 "internal revenue code" does not include changes to the federal internal revenue code made by sections 142, 801, 802 and 803 of P.L. 99-514. Amendments to the federal internal revenue code enacted after December 31, 1986, do not apply to this paragraph with respect to taxable year 1987, except that changes to the internal revenue code made by P.L. 100-203 and P.L. 100-647 and changes that indirectly affect the

provisions applicable to this subchapter made by P.L. 100-203 and P.L. 100-647 excluding section 1008 (g) (5) of P.L. 100-647 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1903. 71.22 (4) (b) of the statutes is amended to read:

71.22 (4) (b) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g) and 71.42 (2), "internal revenue code", for taxable years that end after July 1, 1988, and before December 31, 1988, means the federal internal revenue code as amended to December 31, 1986, and as amended by P.L. 100-203 and P.L. 100-647 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203 and P.L. 100-647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2) and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647. Amendments to the internal revenue code enacted after December 31, 1986, do not apply to this paragraph for taxable years that end after July 1, 1988, and before December 31, 1988, except that changes to the internal revenue code made by P.L. 100-203 and P.L. 100-647 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 100-203 and P.L. 100-647 excluding section 1008 (g) (5) of P.L. 100-647 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1904. 71.22 (4) (c) of the statutes is amended to read:

71.22 (4) (c) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g) and 71.42 (2), "internal revenue code", for taxable years that begin after December 31, 1987, and before January 1, 1989, means the federal internal revenue code as amended to December 31, 1987, and as amended by P.L. 100-647 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203 and P.L. 100-647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2) and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647. Amendments to the federal internal revenue code enacted after December 31, 1987, do not apply to this paragraph with respect to taxable years beginning after December 31, 1987, and before January 1, 1989, except that changes to the internal revenue code made by P.L. 100-647 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 100-647 excluding section 1008 (g) (5) of P.L. 100-647 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1905. 71.22 (4) (d) of the statutes is created to read:

71.22 (4) (d) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g) and 71.42 (2), "internal revenue code", for taxable years that begin after December 31, 1988, means the federal internal revenue code as amended to December 31, 1988, and as indirectly affected in the provisions applicable to this

subchapter by P.L. 99-514, P.L. 100-203 and P.L. 100-647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2) and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647. Amendments to the federal internal revenue code enacted after December 31, 1988, do not apply to this paragraph with respect to taxable years beginning after December 31, 1988.

SECTION 1906. 71.22 (4m) of the statutes is renumbered 71.22 (4m) (a) and amended to read:

71.22 (4m) (a) "Internal For taxable years that begin after July 31, 1987, and before January 1, 1989, 'internal revenue code', for corporations that are subject to a tax on unrelated business income under s. 71.26 (1) (a), means the federal internal revenue code as amended to December 31, 1987, except that that code does not include amendments and as amended by P.L. 100-647 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203 and P.L. 100-647. Amendments to the federal internal revenue code enacted after December 31, 1987, do not apply to this paragraph with respect to taxable years beginning after July 31, 1987, and before January 1, 1989, except that changes to the internal revenue code made by P.L. 100-647 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 100-647 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1907. 71.22 (4m) (b) of the statutes is created to read:

71.22 (4m) (b) For taxable years that begin after December 31, 1988, "internal revenue code", for corporations that are subject to a tax on unrelated business income under s. 71.26 (1) (a), means the federal internal revenue code as amended to December 31, 1988, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203 and P.L. 100-647. Amendments to the internal revenue code enacted after December 31, 1988, do not apply to this paragraph with respect to taxable years beginning after December 31, 1988.

SECTION 1908. 71.22 (10) of the statutes is amended to read:

71.22 (10) "Taxable year" means ~~the taxable year coinciding with the calendar year named and all other taxable years ending on or after July 1 in that calendar year or on or before the June 30 of the following calendar year. The taxable period for the taxable year is the taxable period upon the basis of which the taxable income of the taxpayer is computed for federal income tax purposes. The taxable year of a corporation that keeps its accounting records on the basis of a 52-53 week period ends on the last day of the month closest to the end of the 52-53 week period.~~

SECTION 1909. 71.24 (1) of the statutes is amended to read:

71.24 (1) FILING RETURNS. Every corporation, except corporations all of whose income is exempt

from taxation and except as provided in sub. (1m), shall furnish to the department a true and accurate statement, on or before March 15 of each year ~~except that returns for fiscal years ending on some other date than December 31 shall be furnished on or before the 15th day of the 3rd month following the close of such fiscal year) and except that returns for less than a full taxable year shall be furnished on or before the date applicable for federal income taxes under the internal revenue code,~~ in such manner and form and setting forth such facts as the department deems necessary to enforce this chapter. ~~Such~~ The statement shall be subscribed by the president, vice president, treasurer, assistant treasurer, chief accounting officer or any other officer duly authorized so to act. In the case of a return made for a corporation by a fiduciary ~~such,~~ the fiduciary shall subscribe the return. The fact that an individual's name is subscribed on the return shall be prima facie evidence that ~~such~~ the individual is authorized to subscribe the return on behalf of the corporation.

SECTION 1910. 71.24 (6) (c) of the statutes is amended to read:

71.24 (6) (c) ~~When~~ If a separate corporation income tax return is made for a fractional part of a year ~~the for federal income tax purposes, the corporation shall file a separate Wisconsin income or franchise tax return for that fractional year. The income shall be computed and reported on the basis of the period for which the separate return is made, and such that fractional part of a year shall constitute an income a taxable year, except that if a corporation terminates, under section 1362 (d) (1) or (2) of the internal revenue code, its election to be treated as an S corporation for federal income tax purposes the corporation may allocate its items of income, loss or deduction between its short taxable year as a tax-option corporation and its short taxable year as a nontax-option corporation according to the method under section 1362 (e) (2) of the internal revenue code.~~

SECTION 1911. 71.24 (6) (d) of the statutes is amended to read:

71.24 (6) (d) If a separate income or franchise tax return is made for a short period under par. (b) on account of a change in the ~~income taxable year,~~ the net income for such short period shall be placed on an annual basis ~~by multiplying the amount thereof by 12 and dividing by the number of months included in the period for which the separate return is made. The tax shall be such part of the tax computed on such annual basis as the number of months in such short period is of 12 months using the method applicable for federal income taxes under section 443 (b) (1) of the internal revenue code.~~

SECTION 1912. 71.24 (9) (a) of the statutes is amended to read:

71.24 (9) (a) Corporation franchise and income taxes not paid on or before the 15th day of the 3rd

month following the close of the ~~income~~ taxable year shall be deemed delinquent.

SECTION 1913. 71.25 (8) (e) of the statutes is amended to read:

71.25 (8) (e) If the company has no employees and pays no management or service fees or the department determines that employees are not a substantial income-producing factor and that the management or service fees paid are insubstantial, the department may order or permit the elimination of the payroll factor ~~and use only the arithmetical average of the other 2 factors to arrive at the Wisconsin apportionment percentage.~~

SECTION 1914. 71.25 (9) (a) of the statutes is amended to read:

71.25 (9) (a) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period. ~~For calendar year 1979 or corresponding fiscal year, and thereafter, with respect to sales of tangible personal property, the numerator of the sales factor is the sales of the taxpayer during the tax period under par. (b) other than sales deemed to be in this state because the taxpayer is not within the jurisdiction of the destination state for income tax purposes 1 and 2 plus 50% of the sales deemed to be in this state because of the taxpayer is not within the jurisdiction of the destination state for income tax purposes during the tax period under pars. (b) 2m and 3 and (c).~~

SECTION 1915. 71.25 (9) (b) of the statutes is renumbered 71.25 (9) (b) (intro.) and amended to read:

71.25 (9) (b) (intro.) Sales of tangible personal property are in this state if ~~the~~ any of the following occur:

1. The property is delivered or shipped to a purchaser, other than the United States federal government, within this state regardless of the f.o.b. point or other conditions of the sale; ~~or the~~

2. The property is shipped from an office, store, warehouse, factory or other place of storage in this state and ~~the purchaser is delivered to the United States federal government or the taxpayer is not within the jurisdiction, for income tax purposes of the destination state within this state regardless of the f.o.b. point or other conditions of sale.~~

SECTION 1915m. 71.25 (9) (b) 2m of the statutes is created to read:

71.25 (9) (b) 2m. The property is shipped from an office, store, warehouse, factory or other place of storage in this state and delivered to the federal government outside this state.

SECTION 1915n. 71.25 (9) (b) 2m of the statutes, as created by 1989 Wisconsin Act (this act), is amended to read:

71.25 (9) (b) 2m. The property is shipped from an office, store, warehouse, factory or other place of storage in this state and delivered to the federal government outside this state and the taxpayer is not within the jurisdiction, for income or franchise tax purposes, of the destination state.

SECTION 1917. 71.25 (9) (b) 3 of the statutes is created to read:

71.25 (9) (b) 3. The property is shipped from an office, store, warehouse, factory or other place of storage in this state to a purchaser other than the federal government and the taxpayer is not within the jurisdiction, for income or franchise tax purposes, of the destination state.

SECTION 1918. 71.26 (1) (f) of the statutes is created to read:

71.26 (1) (f) *Real estate mortgage investment conduits.* The income of a real estate mortgage investment conduit that is exempt for federal income tax purposes under section 860A of the internal revenue code.

SECTION 1919. 71.26 (2) (a) of the statutes is amended to read:

71.26 (2) (a) *Corporations in general.* The "net income" of a corporation means the gross income as computed under the internal revenue code as modified under sub. (3) minus the amount of recapture under s. 71.28 (1d) plus the amount of credit computed under s. 71.28 (1), ~~(1d), (1d), (1dL), (1ds)~~ and (3) to (5) plus the amount of the credit computed under s. 71.28 (1d), (1d), (1dL) and (1ds) and not passed through by a partnership or tax-option corporation that has added that amount to the partnership's or tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g) plus the amount of losses from the sale or other disposition of assets the gain from which would be wholly exempt income, as defined in sub. (3) (L), if the assets were sold or otherwise disposed of at a gain and minus deductions, as computed under the internal revenue code as modified under sub. (3), plus or minus, as appropriate, an amount equal to the difference between the federal basis and Wisconsin basis of any asset sold, exchanged, abandoned or otherwise disposed of in a taxable transaction during the taxable year, except as provided in par. (b) and s. 71.45 (2).

SECTION 1920. 71.26 (2) (b) 1 of the statutes is amended to read:

71.26 (2) (b) 1. For taxable year 1987, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit or real estate investment trust under the internal revenue code as amended to December 31, 1986, and as amended by P.L. 100-203 and P.L. 100-647 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203 and P.L. 100-647 as it applies to taxable year 1987, "net income" means the federal regulated investment company taxable income, federal real

estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the internal revenue code as amended to December 31, 1986, and as amended by P.L. 100-203 and P.L. 100-647 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203 and P.L. 100-647 as it applies to taxable year 1987, without regard to sub. (3) and s. 71.22 (4), except that for taxable years that end after July 1, 1987, and before December 31, 1987, "internal revenue code" does not include changes to the federal internal revenue code made by sections 142, 801, 802 and 803 of P.L. 99-514 and except that property that, under s. 71.02 (1) (c) 8 to 11, 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980. Amendments to the internal revenue code enacted after December 31, 1986, do not apply to this subdivision with respect to taxable year 1987, except that changes to the internal revenue code made by P.L. 100-203 and P.L. 100-647 and changes that indirectly affect provisions applicable to this subchapter made by P.L. 100-203 and P.L. 100-647 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1921. 71.26 (2) (b) 2 of the statutes is amended to read:

71.26 (2) (b) 2. For taxable years that end after July 1, 1988, and before December 31, 1988, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit or real estate investment trust under the internal revenue code as amended to December 31, 1986, and as amended by P.L. 100-203 and P.L. 100-647 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203 and P.L. 100-647 "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the internal revenue code as amended to December 31, 1986, and as amended by P.L. 100-203 and P.L. 100-647 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203 and P.L. 100-647, except that property that, under s. 71.02 (1) (c) 8 to 11, 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year, and except that changes to the internal revenue code made

by P.L. 100-203 apply for Wisconsin purposes at the same time as for federal purposes. Amendments to the internal revenue code enacted after December 31, 1986, except those made by P.L. 100-203, do not apply to this subdivision with respect to taxable years that begin on August 1, 1987, to December 1, 1987, except that changes to the federal internal revenue code made by P.L. 100-203 and P.L. 100-647 and changes that indirectly affect the provisions of the federal internal revenue code applicable to this subchapter made by P.L. 100-203 and P.L. 100-647 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1922. 71.26 (2) (b) 3 of the statutes is amended to read:

71.26 (2) (b) 3. For taxable years that begin after December 31, 1987, and before January 1, 1989, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit or real estate investment trust under the internal revenue code as amended to December 31, 1987, and as amended by P.L. 100-647 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203 and P.L. 100-647 "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the internal revenue code as amended to December 31, 1987, and as amended by P.L. 100-647 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203 and P.L. 100-647 except that property that, under s. 71.02 (1) (c) 8 to 11, 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year. Amendments to the internal revenue code enacted after December 31, 1987, do not apply to this subdivision with respect to taxable years that begin after December 31, 1987, and before January 1, 1989, except that changes to the internal revenue code made by P.L. 100-647 and changes that indirectly affect the provisions of the federal revenue code applicable to this subchapter made by P.L. 100-647 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1923. 71.26 (2) (b) 4 of the statutes is created to read:

71.26 (2) (b) 4. For taxable years that begin after December 31, 1988, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment

conduit or real estate investment trust under the internal revenue code as amended to December 31, 1988, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203 and P.L. 100-647 "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the internal revenue code as amended to December 31, 1988, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203 and P.L. 100-647 except that property that, under s. 71.02 (1) (c) 8 to 11, 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year. Amendments to the internal revenue code enacted after December 31, 1988, do not apply to this subdivision with respect to taxable years that begin after December 31, 1988.

SECTION 1924. 71.26 (3) (b) of the statutes is amended to read:

71.26 (3) (b) Section 103 (relating to an exemption for interest) is excluded and replaced, for corporations subject to taxation under s. 71.23 (1), by the rule that any interest income not included in federal taxable income is added to federal taxable income and any interest income which is by federal law exempt from taxation by this state is excluded, and replaced, for corporations subject to taxation under s. 71.23 (2), by the rule that any interest income not included in federal taxable income is added to federal taxable income.

SECTION 1925. 71.26 (3) (hm) of the statutes is created to read:

71.26 (3) (hm) Section 171 is modified so that the rules for federally taxable bonds also apply to bonds that are taxable under par. (b) and the rules for federally tax-exempt bonds apply to bonds that are exempt from tax under this chapter.

SECTION 1926. 71.26 (3) (j) of the statutes is amended to read:

71.26 (3) (j) Sections 243, 244, 245, 246 and 246A are excluded and replaced by the rule that corporations may deduct from income dividends received from a corporation with respect to its common stock if the corporation receiving the dividends owns, directly or indirectly, during the entire taxable year at least 80% of the total combined voting stock of the payor corporation and dividends received from a corporation that filed a return under this chapter, that is sub-

ject to tax under this chapter, that did not deduct the dividends under this chapter and 50% or more of the net income or loss of which, after adjustment for tax purposes, was used in computing taxable income under this chapter for the year preceding the payment of the dividends. If for the year preceding the payment of the dividends a payor corporation was not subject to tax under this chapter, a corporation shall determine deductibility using net income or loss of the payor corporation for the year the dividends are paid. In this paragraph, "dividends received" means gross dividends minus taxes on those dividends paid to a foreign nation and claimed as a deduction under this chapter. The same dividends may not be deducted more than once.

SECTION 1928. 71.26 (3) (ms) of the statutes is created to read:

71.26 (3) (ms) Section 291 (a) (3) is modified so that it does not apply to deductions that are allocable to income that is taxable under this chapter.

SECTION 1929. 71.26 (3) (tm) of the statutes is created to read:

71.26 (3) (tm) Section 1016 (a) is modified so that the rules for federally taxable bonds also apply to bonds that are taxable under par. (b) and the rules for federally tax-exempt bonds apply to bonds that are exempt from tax under this chapter.

SECTION 1929m. 71.26 (3) (y) of the statutes is amended to read:

71.26 (3) (y) A corporation may compute amortization and depreciation under either the federal internal revenue code as amended to December 31, ~~1986, as it applies to taxable year 1987~~ 1988, or the federal internal revenue code in effect for the taxable year for which the return is filed, except that property first placed in service by the taxpayer on or after January 1, 1983, but before January 1, 1987, that, under s. 71.04 (15) (b) and (br), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, and property first placed in service in taxable year 1981 or thereafter but before January 1, 1987, that, under s. 71.04 (15) (bm), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980.

SECTION 1930. 71.26 (4) of the statutes is amended to read:

71.26 (4) NET BUSINESS LOSS CARRY-FORWARD. A corporation, except a tax-option corporation or an insurer to which s. 71.45 (4) applies, may offset against its Wisconsin net business income any Wisconsin net business loss sustained in any of the next 15 preceding taxable years to the extent not offset by other items of Wisconsin income in the loss year and by Wisconsin net business income of any year between the loss year and the ~~income taxable~~ year for which an offset is claimed. For purposes of this subsection Wisconsin

net business income or loss shall consist of all the income attributable to the operation of a trade or business in this state, less the business expenses allowed as deductions in computing net income. The Wisconsin net business income or loss of corporations engaged in business within and without the state shall be determined under s. 71.25 (6) and (10) to (12). Nonapportionable losses having a Wisconsin situs under s. 71.25 (5) (b) shall be included in Wisconsin net business loss; and nonapportionable income having a Wisconsin situs under s. 71.25 (5) (b), whether taxable or exempt, shall be included in other items of Wisconsin income and Wisconsin net business income for purposes of this subsection.

SECTION 1931. 71.275 of the statutes is created to read:

71.275 Rate changes. If a rate under s. 71.27 changes during a taxable year, the taxpayer shall compute the tax for that taxable year by the methods applicable to the federal income tax under section 15 of the internal revenue code.

SECTION 1932am. 71.28 (1di) (a) (intro.) of the statutes is amended to read:

71.28 (1di) (a) (intro.) Except as provided in ~~par. (dm) and (f)~~ and s. 73.03 (35), for any taxable year for which the person is certified under s. 560.765 (3) for tax benefits, any person may claim as a credit against taxes otherwise due under this chapter 2.5% of the ~~amount expended to purchase price of depreciable~~, tangible personal property, or 1.75% of the ~~amount expended to purchase price of depreciable~~, tangible personal property that is expensed under section 179 of the internal revenue code for purposes of the taxes under this chapter, except that:

SECTION 1933. 71.28 (1di) (a) 1 of the statutes is amended to read:

71.28 (1di) (a) 1. The investment must be in property that is purchased after the person is certified under s. 560.765 (3) for tax benefits and that is used only for at least 50% of its use in the conduct of the business operations for which the claimant is certified under s. 560.765 (3) at a location in a development zone under subch. ~~VI~~ of ch. 560 or, if the property is mobile, the base of operations of the property for at least 50% of its use must be a location in a development zone.

SECTION 1934. 71.28 (1di) (a) 2 of the statutes is amended to read:

71.28 (1di) (a) 2. The credit under this subsection may be claimed only by the person who purchased the property the investment in which is the basis for the credit, except that only partners may claim the credit based on purchases by a partnership and except that only shareholders may claim the credit based on purchases by a tax-option corporation.

SECTION 1935. 71.28 (1di) (a) 3 of the statutes is amended to read:

71.28 (1di) (a) 3. If the credit is claimed for used property, the claimant may not have used the property

for business purposes at a location outside the development zone. If the credit is attributable to a partnership or tax-option corporation, that entity may not have used the property for business purposes at a location outside the development zone.

SECTION 1936. 71.28 (1di) (b) of the statutes is amended to read:

71.28 (1di) (b) The credit, including any credits carried over, may be offset only against the amount of the tax otherwise due under this chapter attributable to income from the business operations of the claimant in the development zone and against the tax attributable to income from directly related business operations of the claimant. Partnerships and tax-option corporations may not claim the credit under this subsection, but the eligibility for, and amount of, that credit shall be determined on the basis of their economic activity, not that of their shareholders or partners. The corporation or partnership shall compute the amount of the credit that may be claimed by each of its shareholders or partners and shall provide that information to each of its shareholders or partners. Partners and shareholders of tax-option corporations may claim the ~~partnership's or corporation's~~ credit based on the partnership's or corporation's activities in proportion to their ownership interest and may offset it against the tax attributable to their income from the partnership's or corporation's business operations in the development zone and against the tax attributable to their income from the partnership's or corporation's directly related business operations.

SECTION 1936m. 71.28 (1di) (d) 2 of the statutes is amended to read:

71.28 (1di) (d) 2. A statement from the department of development verifying the ~~amount purchase price~~ of the investment and verifying that the investment fulfills the requirements under par. (a).

SECTION 1937am. 71.28 (1di) (dm) of the statutes is created to read:

71.28 (1di) (dm) In calculating the credit under par. (a), a claimant shall reduce the purchase price of the property by a percentage equal to the percentage of use of the property during the taxable year the property is first placed into service that is for a purpose not specified under par. (a) 1.

SECTION 1938. 71.28 (1di) (e) of the statutes is amended to read:

71.28 (1di) (e) The recapture provisions under section 47 (a) (5) of the internal revenue code as amended to December 31, 1985, as they apply to the credit under section 46 of the internal revenue code, apply to the credit under this subsection, except that those provisions also apply if the property for which the credit is claimed is moved out of the development zone or, for mobile property, if the base of operations is moved out of the zone and except that the determination of whether or not property is 3-year property shall be made under section 168 of the internal revenue code.

SECTION 1939. 71.28 (1di) (f) of the statutes is repealed and recreated to read:

71.28 (1di) (f) If the certification of a person for tax benefits under s. 560.765 (3) is revoked, that person may claim no credits under this subsection for the taxable year that includes the day on which the certification is revoked or succeeding taxable years and that person may carry over no unused credits from previous years to offset tax under this chapter for the taxable year that includes the day on which certification is revoked or succeeding taxable years.

SECTION 1940. 71.28 (1di) (g) of the statutes is amended to read:

71.28 (1di) (g) If a person who ~~has claimed a credit under this subsection~~ is certified under s. 560.765 (3) for tax benefits ceases business operations in the development zone during any of the taxable years that that zone exists, that person may not carry over to any taxable year following the year during which operations cease any unused credits from the taxable year during which operations cease or from previous taxable years.

SECTION 1941. 71.28 (1dj) (a) of the statutes is repealed.

SECTION 1942. 71.28 (1dj) (am) 1 of the statutes is amended to read:

71.28 (1dj) (am) 1. Modify "member of a targeted group", as defined in section 51 (d) of the internal revenue code, to include ~~dislocated farmers~~, persons unemployed as a result of a business action subject to s. 109.07 (1) and persons ~~whose unemployment benefits have expired specified under 29 USC 1652 (a) and to require a member of a targeted group to be a resident of this state.~~

SECTION 1943. 71.28 (1dj) (am) 2 of the statutes is amended to read:

71.28 (1dj) (am) 2. Modify "designated local agency", as defined in section 51 (d) (15) of the internal revenue code, to include the job training partnership act organization for the area that includes the development zone in which the employee in respect to whom the credit under this subsection is claimed works, if the department of development approves the criteria used for certification, and the department of development ~~if the criteria used for certification are the same as those used by the person who is the designated local agency for the purposes of that section.~~

SECTION 1944. 71.28 (1dj) (am) 4 of the statutes is amended to read:

71.28 (1dj) (am) 4. Modify "qualified wages" as defined in section 51 (b) of the internal revenue code to exclude wages paid before the claimant is certified for tax benefits under s. 560.765 (3) and to exclude wages that are paid to employees for work at any location that is not in a development zone under subch. VI of ch. 560 ~~and to exclude wages paid to leased or rented employees by the person to whom they are leased or rented.~~ For purposes of this subdivision,

mobile employees work at their base of operations and leased or rented employees work at the location where they perform services.

SECTION 1945. 71.28 (1dj) (am) 4e of the statutes is created to read:

71.28 (1dj) (am) 4e. Modify section 51 (c) (2) of the internal revenue code to specify that the rules for on-the-job training and work supplementation payments also apply to those kinds of payments funded by this state.

SECTION 1946. 71.28 (1dj) (am) 4g of the statutes is created to read:

71.28 (1dj) (am) 4g. Delete section 51 (c) (4) of the internal revenue code.

SECTION 1947. 71.28 (1dj) (am) 4m of the statutes is created to read:

71.28 (1dj) (am) 4m. Modify the rule on remuneration under section 51 (f) of the internal revenue code so that it does not apply to persons who are exempt from tax under this chapter.

SECTION 1948. 71.28 (1dj) (am) 4t of the statutes is created to read:

71.28 (1dj) (am) 4t. Modify section 51 (i) (3) of the internal revenue code so that for leased or rented employees, except employees of a leasing agency certified for tax benefits under s. 560.765 (3) who perform services directly for the agency in a development zone, the minimum employment periods apply to the time that they perform services in a development zone for a single lessee or renter, not to their employment by the leasing agency.

SECTION 1949. 71.28 (1dj) (am) 7 of the statutes is amended to read:

71.28 (1dj) (am) 7. Modify section 51 of the internal revenue code as under subs. 1 to ~~4t~~.

SECTION 1950. 71.28 (1dj) (c) of the statutes is amended to read:

71.28 (1dj) (c) The credit under this subsection may not be claimed by partnerships and tax-option corporations but the eligibility for, and the amount of, that credit shall be determined on the basis of their economic activity, not that of their shareholders or partners. The corporation or partnership shall compute the amount of credit that may be claimed by each of its shareholders or partners and shall provide that information to each of its shareholders or partners. That credit may be claimed by partners and shareholders of tax-option corporations in proportion to their ownership interests.

SECTION 1951. 71.28 (1dj) (e) 2 of the statutes is repealed.

SECTION 1952. 71.28 (1dj) (e) 3 of the statutes is amended to read:

71.28 (1dj) (e) 3. A statement from the department of development verifying the ~~information under subd. 2~~ amount of qualifying wages and verifying that the employees were hired for work only in a development

zone or are mobile employees whose base of operations is in a development zone.

SECTION 1953. 71.28 (1dL) (a) of the statutes is repealed and recreated to read:

71.28 (1dL) (a) Except as provided in pars. (ag), (ar), (bm) and (f) and s. 73.03 (35), for any taxable year for which the person is certified under s. 560.765 (3) for tax benefits, any person may claim as a credit against taxes otherwise due under this subchapter an amount equal to 2.5% of the amount expended by that person to acquire, construct, rehabilitate or repair real property in a development zone under subch. VI of ch. 560.

SECTION 1954. 71.28 (1dL) (ag) of the statutes is created to read:

71.28 (1dL) (ag) If the credit under par. (a) is claimed for an amount expended to construct, rehabilitate, remodel or repair property, the claimant must have begun the physical work of construction, rehabilitation, remodeling or repair, or any demolition or destruction in preparation for the physical work, after the place where the property is located was designated a development zone under s. 560.71 and the completed project must be placed in service after the claimant is certified for tax benefits under s. 560.765 (3). In this paragraph, "physical work" does not include preliminary activities such as planning, designing, securing financing, researching, developing specifications or stabilizing the property to prevent deterioration.

SECTION 1955. 71.28 (1dL) (ar) of the statutes is created to read:

71.28 (1dL) (ar) If the credit under par. (a) is claimed for an amount expended to acquire property, the property must have been acquired by the claimant after the claimant is certified for tax benefits under s. 560.765 (3) and the property must not have been previously owned by the claimant or a related person during the period the development zone is in existence or during the 2 years prior to the designation of the development zone under s. 560.71. No credit is allowed for an amount expended to acquire property until the property, either in its original state as acquired by the claimant or as subsequently constructed, rehabilitated, remodeled or repaired, is placed in service.

SECTION 1955m. 71.28 (1dL) (aw) of the statutes is created to read:

71.28 (1dL) (aw) In par. (ar), property is previously owned by a claimant or a related person if a claimant may not deduct a loss from a sale to, or exchange of property with, that related person under section 267 of the internal revenue code, except that section 267 (b) of the internal revenue code is modified so that any ownership percentage, rather than 50% ownership, makes a claimant subject to section 267 (a) (1) of the internal revenue code for purposes of this subsection.

SECTION 1956. 71.28 (1dL) (bm) of the statutes is created to read:

71.28 (1dL) (bm) In calculating the credit under par. (a) a claimant shall reduce the amount expended to acquire property by a percentage equal to the percentage of the area of the real property not used for the purposes for which the claimant is certified to claim tax benefits under s. 560.765 (3) and shall reduce the amount expended for other purposes by the amount expended on the part of the property not used for the purposes for which the claimant is certified to claim tax benefits under s. 560.765 (3).

SECTION 1957. 71.28 (1dL) (e) of the statutes is amended to read:

71.28 (1dL) (e) Partnerships and tax-option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, that credit shall be determined on the basis of their economic activity, not that of their shareholders or partners. The corporation or partnership shall compute the amount of credit that may be claimed by each of its shareholders or partners and provide that information to its shareholders or partners. Partners and shareholders of tax-option corporations may claim the credit based on the partnership's or corporation's credit activities in proportion to their ownership interest and may offset it against the tax attributable to their income from the partnership's or corporation's business operations in the development zone and against the tax attributable to their income from the partnership's or corporation's directly related business operations.

SECTION 1958. 71.28 (1ds) (a) 2 of the statutes is amended to read:

71.28 (1ds) (a) 2. "Eligible property" means construction materials and supplies and other materials that are used to construct, rehabilitate, repair or remodel real property located in a development zone that is eligible for the credit under sub. (1dL) and investment credit property.

SECTION 1959am. 71.28 (1ds) (a) 3 of the statutes is amended to read:

71.28 (1ds) (a) 3. "Investment credit property" means depreciable, tangible personal property that is purchased by a person who uses it at a location in a development zone and that is eligible for the credit under sub. (1di) and leased or rented depreciable, tangible personal property that would be eligible for the credit under sub. (1di) if it had been purchased.

SECTION 1960. 71.28 (1ds) (b) of the statutes is amended to read:

71.28 (1ds) (b) Except as provided in ~~par. pars.~~ (dm) and (e) and s. 73.03 (35), for any taxable year for which the person is certified under s. 560.765 (3) for tax benefits, any person may claim as a credit against taxes otherwise due under this chapter the taxes paid under subchs. III and V of ch. 77 on their purchases, leases and rentals of eligible property. Partnerships and tax-option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, that credit shall be determined on the basis

of their economic activity, not that of their partners or shareholders. The partnership or corporation shall compute the amount of credit that may be claimed by each of its partners or shareholders and shall provide that information to its partners or shareholders. Partners and shareholders of tax-option corporations may claim the credit based on the partnership's or corporation's credit activities in proportion to their ownership interest.

SECTION 1961. 71.28 (1ds) (d) 3 of the statutes is repealed.

SECTION 1962. 71.28 (1ds) (dm) of the statutes is created to read:

71.28 (1ds) (dm) In calculating the credit under par. (b) a claimant shall reduce the sales tax paid for building supplies and materials by the reduction under sub. (1dL) (bm) and shall reduce the sales tax paid for investment credit property by the percentage reduction under sub. (1di) (dm).

SECTION 1963. 71.28 (1fd) (a) of the statutes is amended to read:

71.28 (1fd) (a) *Credit.* Except as provided in par. (b), if the director of the agriculture stabilization and conservation service certifies on or before October 1, 1988, that at least 40% of the crops in this state have been lost, for taxable year 1988 any claimant may credit against taxes otherwise due under this chapter an amount equal to 10% of the property taxes exclusive of special assessments, delinquent interest and charges for service, up to \$10,000, on that claimant's farm for the year for which the claim under this subsection is made. In this subsection, "farm" means 35 or more acres of real property in this state owned by the claimant or any member of the claimant's household during the ~~income taxable~~ year for which a credit under this subsection is claimed if the farm, during that year, produced not less than \$6,000 in gross farm profits resulting from the farm's agricultural use, as defined in s. 91.01 (1), or if the farm, during that year and the 2 years immediately preceding that year, produced not less than \$18,000 in such profits. In deciding who is a claimant under this subsection, the department of revenue shall be guided by s. 71.58 (1) (a) to (g).

SECTION 1964. 71.28 (1fd) (b) of the statutes is amended to read:

71.28 (1fd) (b) (title) *Limits.* The credit under this subsection plus the credit under subch. IX may not exceed 95% of the property taxes on the farm. A claimant may claim the credit under this subsection on only one return if the claimant files more than one return for taxable year 1988 and may not claim the credit on a return filed for any 1988 taxable year beginning after July 31, 1988.

SECTION 1965. 71.28 (1fd) (c) of the statutes is amended to read:

71.28 (1fd) (c) *Form.* No claim under this subsection may be allowed unless the claimant completes a

form prescribed by the department of revenue and submits that form with the claimant's income or franchise tax return and within 12 months following the close of the ~~income taxable~~ year in which the property taxes accrued.

SECTION 1966m. 71.28 (2m) of the statutes is created to read:

71.28 (2m) FARMLAND TAX RELIEF CREDIT. (a) *Definitions.* In this subsection:

1. "Claimant" means an owner of farmland, as defined in s. 91.01 (9), domiciled in this state during the entire year for which a credit under this subsection is claimed, except as follows:

a. When 2 or more individuals of a household are able to qualify individually as a claimant, they may determine between them who the claimant shall be. If they are unable to agree, the matter shall be referred to the secretary of revenue, whose decision is final.

b. For partnerships except publicly traded partnerships treated as corporations under s. 71.22 (1), "claimant" means each individual partner.

c. For purposes of filing a claim under this subsection, the personal representative of an estate and the trustee of a trust shall be deemed owners of farmland. "Claimant" does not include the estate of a person who is a nonresident of this state on the person's date of death, a trust created by a nonresident person, a trust which receives Wisconsin real property from a nonresident person or a trust in which a nonresident settlor retains a beneficial interest.

d. For purposes of filing a claim under this subsection, when land is subject to a land contract, the claimant shall be the vendee under the contract.

e. For purposes of filing a claim under this subsection, when a guardian has been appointed under ch. 880 for a ward who owns the farmland, the claimant shall be the guardian on behalf of the ward.

f. For a tax-option corporation, "claimant" means each individual shareholder.

2. "Department" means the department of revenue.

3. "Farmland" means 35 or more acres of real property, exclusive of improvements, in this state, in agricultural use, as defined in s. 91.01 (1), and owned by the claimant or any member of the claimant's household during the taxable year for which a credit under this subsection is claimed if the farm of which the farmland is a part, during that year, produced not less than \$6,000 in gross farm profits resulting from agricultural use, as defined in s. 91.01 (1), or if the farm of which the farmland is a part, during that year and the 2 years immediately preceding that year, produced not less than \$18,000 in such profits, or if at least 35 acres of the farmland, during all or part of that year, was enrolled in the conservation reserve program under 16 USC 3831 to 3836.

4. "Gross farm profits" means gross receipts, excluding rent, from agricultural use, as defined in s.

91.01 (1) including the fair market value at the time of disposition of payments in kind for placing land in federal programs or payments from the federal dairy termination program under 7 USC 1446 (d), less the cost or other basis of livestock or other items purchased for resale which are sold or otherwise disposed of during the taxable year.

5. "Household" means an individual and his or her spouse and all minor dependents.

6. "Property taxes accrued" means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on the farmland owned by the claimant or any member of the claimant's household in any calendar year under ch. 70, less the tax credit, if any, afforded in respect of the property by s. 79.10. If farmland is owned by a tax-option corporation or by 2 or more persons or entities as joint tenants, tenants in common or partners or is marital property or survivorship marital property and one or more such persons, entities or owners is not a member of the claimant's household, "property taxes accrued" is that part of property taxes levied on the farmland, reduced by the tax credit under s. 79.10, that reflects the ownership percentage of the claimant and the claimant's household. For purposes of this subdivision, property taxes are "levied" when the tax roll is delivered to the local treasurer for collection. If farmland is sold during the calendar year of the levy the "property taxes accrued" for the seller is the amount of the tax levy, reduced by the tax credit under s. 79.10, prorated to each in the closing agreement pertaining to the sale of the farmland, except that if the seller does not reimburse the buyer for any part of those property taxes there are no "property taxes accrued" for the seller, and the "property taxes accrued" for the buyer is the property taxes levied on the farmland, reduced by the tax credit under s. 79.10, minus, if the seller reimburses the buyer for part of the property taxes, the amount prorated to the seller in the closing agreement. With the claim for credit under this subsection, the seller shall submit a copy of the closing agreement and the buyer shall submit a copy of the closing agreement and a copy of the property tax bill.

(b) *Filing claims.* 1. 'Eligibility and qualifications.'
a. Subject to the limitations provided in this subsection and s. 71.80 (3) and (3m), a claimant may claim as a credit against Wisconsin income taxes otherwise due, the amount derived under par. (c). If the allowable amount of claim exceeds the income taxes otherwise due on the claimant's income or if there are no Wisconsin income taxes due on the claimant's income, the amount of the claim not used as an offset against income taxes shall be certified to the department of administration for payment to the claimant by check, share draft or other draft paid from the appropriation under s. 20.835 (2) (q).

b. Every claimant under this subsection shall supply, at the request of the department, in support of the claim, a copy of the property tax bill relating to the

farmland and certification by the claimant that all taxes owed by the claimant on the property for which the claim is made for the year before the year for which the claim is made have been paid.

2. 'Ineligible claims.' No credit may be allowed under this subsection:

a. Unless a claim is filed with the department within 12 months following the close of the taxable year in which the property taxes accrued.

b. If the department determines that ownership of the farmland has been transferred to the claimant for the purpose of maximizing benefits under this subsection.

3. 'Amended claim.' A claimant who has filed a timely claim under this subsection may file an amended claim with the department of revenue within 4 years of the last day prescribed by law for filing the original claim.

(c) *Computation.* 1. Any claimant may claim against taxes otherwise due under this chapter 10% of the property taxes accrued in the taxable year to which the claim relates, up to a maximum claim of ~~\$1,420 for taxable year 1989 and \$1,000 for taxable year 1990 and thereafter~~, except that the credit under this subsection plus the credit under subch. IX may not exceed 95% of the property taxes accrued on the farm.

Vetoed
in Part

2. For ~~taxable year~~ 1989, any claimant may claim against taxes otherwise due under this chapter an additional 4.2% of the property taxes accrued ~~to taxable year 1988~~, subject to the limitations in subd. 1.

Vetoed
in Part

Vetoed
in Part

(d) *General provisions.* Section 71.61 (1) to (4) as it applies to the credit under subch. IX applies to the credit under this subsection.

SECTION 1968. 71.28 (4) (a) of the statutes is amended to read:

71.28 (4) (a) *Credit.* ~~For taxable year 1986 and subsequent years, any~~ Any corporation may credit against taxes otherwise due under this chapter an amount equal to 5%, ~~or 10% in the case of research conducted exclusively in a development zone under subch. V of ch. 560, of the amount obtained by subtracting from the corporation's qualified research expenses, as defined in section 41 of the internal revenue code, except that "qualified research expenses" includes only expenses incurred by the claimant, incurred for research conducted in this state for the taxable year and except that "qualified research expenses" does not include compensation used in computing the credit under sub. (1d), the corporation's base period research expenses, as defined in section 41 of the internal revenue code. A claim for a 10% credit may be allowed only if the claimant submits with the claimant's return a copy of the claimant's certification for tax benefits under s. 560.765 (3) and a statement from the department of development verifying the claimant's qualified research expenses for research conducted exclusively in a development zone. The rules under sub. (1d) (f) and (g) as they apply to the credit under that subsection apply to~~

~~claims for the 10% credit. Section 73.03 (35) applies to the 10% credit. Section 41 (i) of the internal revenue code does not apply to the credit under this paragraph.~~

SECTION 1969. 71.28 (4) (am) of the statutes is created to read:

71.28 (4) (am) *Development zone additional research credit.* In addition to the credit under par. (a), any corporation may credit against taxes otherwise due under this chapter an amount equal to 5% of the amount obtained by subtracting from the corporation's qualified research expenses, as defined in section 41 of the internal revenue code, except that "qualified research expenses" include only expenses incurred by the claimant in a development zone under subch. VI of ch. 560 and except that "qualified research expenses" do not include compensation used in computing the credit under sub. (1dj) nor research expenses incurred before the claimant is certified for tax benefits under s. 560.765 (3), the corporation's base period research expenses, as defined in section 41 of the internal revenue code but including research expenses incurred before the claimant is certified for tax benefits under s. 560.765 (3), in a development zone, if the claimant submits with the claimant's return a copy of the claimant's certification for tax benefits under s. 560.765 (3) and a statement from the department of ~~commerce and~~ development verifying the claimant's qualified research expenses for research conducted exclusively in a development zone. The rules under s. 73.03 (35) apply to the credit under this paragraph. The rules under sub. (1di) (f) and (g) as they apply to the credit under that subsection apply to claims under this paragraph. Section 41 (i) of the internal revenue code does not apply to the credit under this paragraph.

Vetoed
in Part

SECTION 1969m. 71.28 (4) (f) of the statutes is amended to read:

71.28 (4) (f) *Carry-over.* If ~~the~~ a credit computed under ~~par. (a)~~ this subsection is not entirely offset against Wisconsin income or franchise taxes otherwise due, the unused balance may be carried forward and credited against Wisconsin income or franchise taxes otherwise due for the following 15 taxable years to the extent not offset by these taxes otherwise due in all intervening years between the year in which the expense was incurred and the year in which the carry-forward credit is claimed.

SECTION 1970. 71.28 (4) (fm) of the statutes is repealed.

SECTION 1970g. 71.28 (4) (g) of the statutes is amended to read:

71.28 (4) (g) *Administration.* The department of revenue has full power to administer the credit credits provided in this subsection and may take any action, conduct any proceeding and proceed as it is authorized in respect to income and franchise taxes imposed in this chapter. The income and franchise tax provi-

sions in this chapter relating to assessments, refunds, appeals, collection, interest and penalties apply to the credit credits under this subsection.

SECTION 1970i. 71.28 (4) (i) of the statutes is amended to read:

71.28 (4) (i) *Nonclaimants.* The credit credits under this subsection may not be claimed by a partnership, except a publicly traded partnership treated as a corporation under s. 71.22 (1), or tax-option corporation or by partners, including partners of a publicly traded partnership, or shareholders of a tax-option corporation.

SECTION 1971. 71.28 (6) (title) and (a) of the statutes are amended to read:

71.28 (6) (title) SUPPLEMENT TO FEDERAL HISTORIC REHABILITATION CREDIT. (a) Any person may credit against taxes otherwise due under this chapter, up to the amount of those taxes, an amount equal to 5% of the costs of qualified rehabilitation expenditures, as defined in section 48 (g) 2 (2) of the internal revenue code, ~~as amended to December 31, 1987~~, for certified historic structures on property located in this state if the physical work of construction or destruction in preparation for construction begins after December 31, 1988, and the rehabilitated property is placed in service after June 30, 1989.

SECTION 1972. 71.28 (6) (b) of the statutes is repealed.

SECTION 1973. 71.28 (6) (c) of the statutes is created to read:

71.28 (6) (c) No person may claim the credit under this subsection unless the claimant includes with the claimant's return evidence that the rehabilitation was approved by the secretary of the interior under 36 CFR 67.6 before the physical work of construction, or destruction in preparation for construction, began.

SECTION 1974. 71.28 (6) (d) of the statutes is amended to read:

71.28 (6) (d) The Wisconsin adjusted basis of the property building shall be reduced by the amount of any credit awarded under this subsection. The Wisconsin adjusted basis of a partner's interest in a partnership or of stock in a tax-option corporation shall be adjusted to take into account adjustments made under this paragraph.

SECTION 1975. 71.28 (6) (e) of the statutes is amended to read:

71.28 (6) (e) The provisions of sub. (4) ~~(e)~~, (e), (f), (g) and (h), as they apply to the credit under that subsection, apply to the credit under this subsection.

SECTION 1976. 71.28 (6) (f) of the statutes is amended to read:

71.28 (6) (f) A partnership or tax-option corporation may not claim the credit under this subsection. The individual partners ~~and~~ or shareholders in a tax-option corporation may claim the credit under this subsection based on eligible costs incurred by a the

partnership or tax-option corporation, in proportion to the ownership interest of each partner or shareholder. The partnership or tax-option corporation shall calculate the amount of the credit which may be claimed by each partner or shareholder and shall provide that information to the partner or shareholder.

SECTION 1977d. 71.28 (7) (title) and (a) of the statutes are amended to read:

71.28 (7) (title) STATE HISTORIC REHABILITATION CREDIT. (a) For taxable years ~~1989 and 1990~~ beginning on or after August 1, 1988, any person may credit against taxes otherwise due under this chapter an amount equal to 25% of the ~~approved~~ costs of preservation or rehabilitation of historic property located in this state if the physical work of construction or destruction in preparation for construction begins after December 31, 1988, except that the credit may not exceed ~~\$50,000~~ \$10,000 for any preservation or rehabilitation project.

SECTION 1978. 71.28 (7) (b) 2 of the statutes is amended to read:

71.28 (7) (b) 2. The historic property is ~~nondetachable~~ a human burial site or an archaeological site, as defined in s. 44.47 (1) (b), or the historic property is an owner-occupied personal residence or other property not eligible for the credit under sub. (6) if the residence or property is not actively used in a trade or business, held for the production of income or held for sale or other disposition in the ordinary course of the claimant's trade or business.

SECTION 1979. 71.28 (7) (b) 3. b of the statutes is amended to read:

71.28 (7) (b) 3. b. The proposed preservation or rehabilitation plan complies with standards promulgated under s. 44.02 (24) and the completed preservation or rehabilitation substantially complies with the proposed plan.

SECTION 1980. 71.28 (7) (b) 4 of the statutes is amended to read:

71.28 (7) (b) 4. The preservation or rehabilitation work is completed within 2 years after the ~~commencement~~ date that the physical work of construction or destruction in preparation for construction begins, except in the case of any preservation or rehabilitation which is initially planned for completion in phases, in which case the work shall be completed within 5 years after the ~~commencement~~ date that the physical work of construction or destruction in preparation for construction begins.

SECTION 1981. 71.28 (7) (b) 5 of the statutes is amended to read:

71.28 (7) (b) 5. The expenditures for preservation or rehabilitation of the historic property ~~which are approved under subd. 3. b and are incurred within the time period in subd. 4 exceed the Wisconsin-adjusted basis of the historic property on the date that preservation or rehabilitation is commenced or greater of \$1,000, whichever is greater~~ or the adjusted basis of

the building if the historic property is a building or of the entire property if the historic property is not a building on the date that the physical work of construction, or destruction in preparation for construction, begins.

SECTION 1982. 71.28 (7) (b) 7 of the statutes is amended to read:

71.28 (7) (b) 7. The costs were not incurred before the state historical society approved the proposed preservation or rehabilitation plan under subd. 3. b.

SECTION 1983. 71.28 (7) (c) of the statutes is amended to read:

71.28 (7) (c) The Wisconsin adjusted basis of the building if the historic property is a building or of the entire property if the historic property is not a building shall be reduced by the amount of any credit awarded under this subsection. The Wisconsin adjusted basis of a partner's interest in a partnership or of stock in a tax-option corporation shall be adjusted to take into account adjustments made under this paragraph.

SECTION 1984. 71.28 (7) (d) and (e) of the statutes are repealed.

SECTION 1985. 71.28 (7) (g) of the statutes is amended to read:

71.28 (7) (g) The provisions of sub. (4) ~~(e), (e) and (f), (g) to (i) and (h)~~, as they apply to the credit under that subsection, apply to the credit under this subsection.

SECTION 1986. 71.28 (7) (h) of the statutes is created to read:

71.28 (7) (h) A partnership or tax-option corporation may not claim the credit under this subsection. The individual partners or shareholders in a tax-option corporation may claim the credit under this subsection, based on eligible costs incurred by the partnership or tax-option corporation, in proportion to the ownership interest of each partner or shareholder. The partnership or tax-option corporation shall calculate the amount of the credit which may be claimed by each partner or shareholder and shall provide that information to the partner or shareholder.

SECTION 1987. 71.28 (7) (i) of the statutes is created to read:

71.28 (7) (i) If the historic property is owned by 2 or more persons that hold legal title or equitable title as a land contract vendee and are not joint tenants, tenants in common or spouses owning marital property, the credit under this subsection may be claimed as follows:

1. For projects benefiting one owner, a person may claim the credit based on eligible costs incurred individually.

2. For projects benefiting 2 or more owners, a person may claim the credit based on eligible costs incurred by the benefiting owners in proportion to the person's ownership interest.

SECTION 1988. 71.28 (7) (j) of the statutes is created to read:

71.28 (7) (j) No person may claim the credit under this subsection for any of the following:

1. Rehabilitation of a personal residence if the claimant claimed a credit under this subsection for the rehabilitation of another personal residence within the 5 preceding taxable years.

2. Rehabilitation of property if the property was acquired by the claimant under an agreement requiring the claimant to sell or otherwise dispose of the property back to the previous owner within 5 years after the date that the property was acquired.

SECTION 1988e. 71.29 (1) (c) of the statutes is created to read:

71.29 (1) (c) "Virtually exempt entity" means any entity, other than a corporation, that is subject to a tax under this chapter on unrelated business taxable income as defined under section 512 of the internal revenue code.

SECTION 1988h. 71.29 (2) of the statutes is amended to read:

71.29 (2) WHO SHALL PAY. Every corporation subject to tax under s. 71.23 (1) or (2) and every virtually exempt entity subject to tax under s. 71.125 or 71.23 (1) or (2) shall pay an estimated tax to the department of revenue at its offices in Madison unless the department, by rule, prescribes another place of payment.

SECTION 1988k. 71.29 (3) of the statutes is amended to read:

71.29 (3) REFUND CARRY-FORWARD. If a corporation or virtually exempt entity claims a refund on any tax return and, concurrent with or subsequent to filing the return upon which that refund is claimed, is required to pay an estimated tax, and at the time of paying that tax the refund has not been paid, the corporation or virtually exempt entity may deduct the amount of that refund from the first instalment of estimated taxes and may deduct any excess from the succeeding instalments.

SECTION 1988p. 71.29 (7) (intro.) of the statutes is amended to read:

71.29 (7) EXCEPTION TO INTEREST. (intro.) No interest is required under s. 71.84 (2) for a corporation or virtually exempt entity if any of the following conditions apply:

SECTION 1988r. 71.29 (7) (b) of the statutes is amended to read:

71.29 (7) (b) The preceding taxable year was 12 months, the corporation or virtually exempt entity had no liability under s. 71.125 or 71.23 (1) or (2) for that year and the corporation or virtually exempt entity has a Wisconsin net income of less than \$250,000 for the current taxable year.

SECTION 1988s. 71.29 (9) (a) (intro.) of the statutes is amended to read:

71.29 (9) (a) (intro.) For corporations or virtually exempt entities that have Wisconsin net incomes of less than \$250,000, except as provided in pars. (b) and (c), the amount of each instalment required under sub. (8) is 25% of the lower of the following amounts:

SECTION 1988t. 71.29 (9) (c) of the statutes is amended to read:

71.29 (9) (c) If 22.5% for the first instalment, 45% for the 2nd instalment, 67.5% for the 3rd instalment and 90% for the 4th instalment of the tax for the taxable year computed by annualizing, under methods prescribed by the department of revenue, the corporation's income, or the virtually exempt entity's unrelated business taxable income, for the months in the taxable year ending before the instalment's due date is less than the instalment required under par. (a), the corporation or virtually exempt entity may pay the amount under this paragraph rather than the amount under par. (a). For purposes of computing annualized income under this paragraph, the apportionment percentage computed under s. 71.25 (6) and (10) to (12) from the return filed for the previous taxable year may be used if that return was filed with the department of revenue on or before the due date of the instalment for which the income is being annualized and if the apportionment percentage on that previous year's return was greater than zero. For purposes of computing annualized income of corporations that are subject to a tax under this chapter on unrelated business taxable income, as defined under section 512 of the internal revenue code, and virtually exempt entities, the taxpayer's income for the months in the taxable year ending before the date one month before the due date for the instalment shall be used. Any corporation or virtually exempt entity that pays an amount calculated under this paragraph shall increase the next instalment computed under par. (a) by an amount equal to the difference between the amount paid under this paragraph and the amount that would have been paid under par. (a).

SECTION 1988u. 71.29 (10) (a) of the statutes is amended to read:

71.29 (10) (a) Except as provided in par. (c), for corporations or virtually exempt entities that have Wisconsin net incomes of \$250,000 or more, the amount of each instalment required under sub. (8) is 25% of the amount under par. (b).

SECTION 1988v. 71.29 (10) (c) of the statutes is amended to read:

71.29 (10) (c) If 22.5% for the first instalment, 45% for the 2nd instalment, 67.5% for the 3rd instalment and 90% for the 4th instalment of the tax for the taxable year computed by the department of revenue, the corporation's income, or the virtually exempt entity's unrelated business taxable income, for the months in the taxable year ending before the instalment's due date is less than the instalment required under par. (a), the

corporation or virtually exempt entity may pay the amount under this paragraph rather than the amount under par. (a). For purposes of computing annualized income under this paragraph, the apportionment percentage computed under s. 71.25 (6) and (10) to (12) from the return filed for the previous taxable year may be used if that return was filed with the department of revenue on or before the due date of the instalment for which the income is being annualized and if the apportionment percentage on that previous year's return was greater than zero. For purposes of computing annualized income of corporations that are subject to a tax under this chapter on unrelated business taxable income, as defined under section 512 of the internal revenue code, and virtually exempt entities, the taxpayer's income for the months in the taxable year ending before the date one month before the due date for the instalment shall be used. Any corporation or virtually exempt entity that pays an amount calculated under this paragraph shall increase the next instalment computed under par. (a) by an amount equal to the difference between the amount paid under this paragraph and the amount that would have been paid under par. (a).

SECTION 1989. 71.29 (11) of the statutes is amended to read:

71.29 (11) EXCEPTION TO FINAL INSTALMENT. If a corporation or virtually exempt entity files a return for a calendar year on or before January 31 of the succeeding calendar year (or if a corporation or virtually exempt entity on a fiscal year basis files a return on or before the last day of the first month immediately succeeding the close of such fiscal year) and pays in full at the time of such filing the amount computed on the return as payable, then, if estimated taxes are not required to be paid on or before the 15th day of the 9th month of the ~~income~~ taxable year but are required to be paid on or before the 15th day of the 12th month of the ~~income~~ taxable year, such return shall be considered as payment.

SECTION 1990. 71.30 (3) (ep) of the statutes is amended to read:

71.30 (3) (ep) ~~Historic structure Supplement to federal historic rehabilitation credit~~ under s. 71.28 (6).

SECTION 1991. 71.30 (3) (er) of the statutes is amended to read:

71.30 (3) (er) ~~Historic State historic~~ rehabilitation credit under s. 71.28 (7).

SECTION 1992. 71.30 (3) (f) of the statutes is amended to read:

71.30 (3) (f) The total of farmers' drought property tax credit under s. 71.28 (1fd), farmland preservation credit under subch. IX, farmland tax relief credit under s. 71.28 (2m), the development zones sales tax credit under s. 71.28 (1ds), the development zones job credit under s. 71.28 (1dj) and estimated tax payments under s. 71.29.

SECTION 1993. 71.34 (1) (a) of the statutes is renumbered 71.34 (1) (ar).

SECTION 1994. 71.34 (1) (ag) of the statutes is created to read:

71.34 (1) (ag) Section 164 (a) (3) of the internal revenue code is modified so that state taxes and taxes of the District of Columbia on or measured by all or a portion of net income, gross income, gross receipts or capital stock are not deductible.

SECTION 1995. 71.34 (1) (g) of the statutes is created to read:

71.34 (1) (g) An addition shall be made for credits computed by a tax-option corporation under s. 71.28 (1di), (1dj), (1dL) and (1ds) and passed through to shareholders.

SECTION 1996. 71.34 (1g) (a) of the statutes is amended to read:

71.34 (1g) (a) "Internal revenue code" for tax-option corporations, for taxable year 1987, means the federal internal revenue code as amended to December 31, 1986, and as amended by P.L. 100-203 and P.L. 100-647 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203 and P.L. 100-647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2) and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647 as it applies to taxable year 1987, except that for taxable years 1987 that end after July 1 and before December 31 "internal revenue code" does not include changes to the federal internal revenue code made by sections 142, 801, 802 and 803 of P.L. 99-514, except that section 1366 (f) (relating to pass-through of items to shareholders) is modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375. Amendments to the federal internal revenue code enacted after December 31, 1986, do not apply to this paragraph, except that changes to the internal revenue code made by P.L. 100-203 and P.L. 100-647 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 100-203 and P.L. 100-647 excluding section 1008 (g) (5) of P.L. 100-647 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1997. 71.34 (1g) (b) of the statutes is amended to read:

71.34 (1g) (b) "Internal revenue code" for tax-option corporations, for taxable years that end after July 1, 1988, and before December 31, 1988, means the federal internal revenue code as amended to December 31, 1986, and as amended by P.L. 100-203 and P.L. 100-647 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203 and P.L. 100-647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2) and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647, except that section 1366 (f) (relating to pass-through of items to shareholders) is modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375, ~~and~~. Amendments to the internal revenue code enacted after December 31, 1986, do not apply to this paragraph, except that

changes to the internal revenue code made by P.L. 100-203 and P.L. 100-647 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 100-203 and P.L. 100-647 excluding section 1008 (g) (5) of P.L. 100-647 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1998. 71.34 (1g) (c) of the statutes is amended to read:

71.34 (1g) (c) "Internal revenue code" for tax-option corporations, for taxable years that begin after December 31, 1987, and before January 1, 1989, means the federal internal revenue code as amended to December 31, 1987, and as amended by P.L. 100-647 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203 and P.L. 100-647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2) and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647, except that section 1366 (f) (relating to pass-through of items to shareholders) is modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375. Amendments to the federal internal revenue code enacted after December 31, 1987, do not apply to this paragraph with respect to taxable years beginning after December 31, 1987, and before January 1, 1989, except that changes to the internal revenue code made by P.L. 100-647 and changes that indirectly affect provisions applicable to this subchapter made by P.L. 100-647 excluding section 1008 (g) (5) of P.L. 100-647 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1999. 71.34 (1g) (d) of the statutes is created to read:

71.34 (1g) (d) "Internal revenue code" for tax-option corporations, for taxable years that begin after December 31, 1988, means the federal internal revenue code as amended to December 31, 1988, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203 and P.L. 100-647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2) and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647, except that section 1366 (f) (relating to pass-through of items to shareholders) is modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375. Amendments to the federal internal revenue code enacted after December 31, 1988, do not apply to this paragraph with respect to taxable years beginning after December 31, 1988.

SECTION 1999g. 71.35 of the statutes is amended to read:

71.35 Imposition of additional tax on tax-option corporations. In addition to the other taxes imposed under this chapter, there is imposed on every tax-option corporation, except those a corporation that qualifies for the exception under section 1374 (c) (1) of the internal revenue code and that has not elected to change from tax-option status under s. 71.365 (4) (a)

for that taxable year, that has a net recognized built-in gain, as defined in section 1374 (d) (2) of the internal revenue code, during a recognition period, as defined in section 1374 (d) (3) (7) of the internal revenue code as modified by this section, a tax computed under section 1374 of the internal revenue code except that the rate is that under s. 71.27 (2), the net recognized built-in gain is computed using the Wisconsin basis of the assets and the Wisconsin apportionment percentage for the current taxable year, the taxable income is the Wisconsin taxable income and the credit and net operating losses are those under this chapter rather than the federal credits and net operating losses. The tax under this section does not apply if the return is filed pursuant to a federal S corporation election made before January 1, 1987, and the corporation has not elected to change its status under s. 71.365 (4) (a) for any intervening year. If a corporation that elected to change from tax-option status under s. 71.365 (4) (a) subsequently elects to become a tax-option corporation, its recognition period begins with the first day of the first taxable year affected by the subsequent election.

SECTION 1999r. 71.365 (1m) of the statutes is amended to read:

71.365 (1m) TAX-OPTION CORPORATIONS; DEPRECIATION. A tax-option corporation may compute amortization and depreciation under either the federal internal revenue code as amended to December 31, 1986, ~~as it applies to taxable year 1987 1988~~, or the federal internal revenue code in effect for the taxable year for which the return is filed, except that property first placed in service by the taxpayer on or after January 1, 1983, but before January 1, 1987, that, under s. 71.04 (15) (b) and (br), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, and property first placed in service in taxable year 1981 or thereafter but before January 1, 1987, that, under s. 71.04 (15) (bm), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980. Any difference between the adjusted basis for federal income tax purposes and the adjusted basis under this chapter shall be taken into account in determining net income or loss in the year or years for which the gain or loss is reportable under this chapter. If that property was placed in service by the taxpayer during taxable year 1986 and thereafter but before the property is used in the production of income subject to taxation under this chapter, the property's adjusted basis and the depreciation or other deduction schedule are not required to be changed from the amount allowable on the owner's federal income tax returns for any year because the property is used in the production of income subject to taxation under this chapter. If that property was acquired in a transaction in taxable year 1986 or thereafter in which the adjusted basis of the

property in the hands of the transferee is the same as the adjusted basis of the property in the hands of the transferor, the Wisconsin adjusted basis of that property on the date of transfer is the adjusted basis allowable under the internal revenue code as defined for Wisconsin purposes for the property in the hands of the transferor.

SECTION 2000. 71.42 (2) (a) of the statutes is amended to read:

71.42 (2) (a) For taxable year 1987, "internal revenue code" means the federal internal revenue code as amended to December 31, 1986, and as amended by P.L. 100-203 and P.L. 100-647 and as indirectly affected by P.L. 99-514, P.L. 100-203 and P.L. 100-647 as it applies to taxable year 1987. Amendments to the internal revenue code enacted after December 31, 1986, do not apply to this paragraph with respect to taxable year 1987, except that changes to the internal revenue code made by P.L. 100-203 and P.L. 100-647 and changes that indirectly affect the federal internal revenue code made by P.L. 100-203 and P.L. 100-647 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2001. 71.42 (2) (b) of the statutes is amended to read:

71.42 (2) (b) For taxable years that begin after December 31, 1987, and before January 1, 1989, "internal revenue code" means the federal internal revenue code as amended to December 31, 1987, and as amended by P.L. 100-647, and as indirectly affected by P.L. 99-514, P.L. 100-203 and P.L. 100-647, except that "internal revenue code" does not include section 847 of the federal internal revenue code. Amendments to the federal internal revenue code enacted after December 31, 1987, do not apply to this paragraph with respect to taxable years beginning after December 31, 1987, and before January 1, 1989, except that changes to the internal revenue code made by P.L. 100-647 and changes that indirectly affect the federal internal revenue code made by P.L. 100-647 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 2002. 71.42 (2) (c) of the statutes is created to read:

71.42 (2) (c) For taxable years that begin after December 31, 1988, "internal revenue code" means the federal internal revenue code as amended to December 31, 1988, and as indirectly affected by P.L. 99-514, P.L. 100-203 and P.L. 100-647, except that "internal revenue code" does not include section 847 of the federal internal revenue code. Amendments to the federal internal revenue code enacted after December 31, 1988, do not apply to this paragraph with respect to taxable years beginning after December 31, 1988.

SECTION 2003. 71.42 (5) of the statutes is created to read:

71.42 (5) "Taxable year" has the meaning under s. 71.22 (10).

SECTION 2003m. 71.43 (2) of the statutes is amended to read:

71.43 (2) FRANCHISE TAX ON CORPORATIONS. For the privilege of exercising its franchise or doing business in this state in a corporate capacity, except as provided under s. 71.23 (3), every domestic or foreign corporation, except corporations specified in ss. 71.26 (1) and 71.45 (1), shall annually pay a franchise tax according to or measured by its entire Wisconsin net income of the preceding taxable year at the rates set forth in s. 71.46 (2). In addition, except as provided in ss. 71.23 (3), 71.26 (1) and 71.45 (1), a corporation that ceases doing business in this state shall pay a special franchise tax according to or measured by its entire Wisconsin net income for the taxable year during which the corporation ceases doing business in this state at the rate under s. 71.46 (2). Every corporation organized under the laws of this state shall be deemed to be residing within this state for the purposes of this franchise tax. All provisions of this chapter and ch. 73 relating to income taxation of corporations shall apply to franchise taxes imposed under this subsection, unless the context requires otherwise. The tax imposed by this subsection on insurance companies subject to taxation under this chapter, ~~except societies, organizations or corporations under ch. 613 operating by virtue of s. 148.03, 447.13, 449.15 or 613.80,~~ shall be based on Wisconsin net income computed under s. 71.45, and no other provision of this chapter relating to computation of taxable income for other corporations shall apply to such insurance companies. All other provisions of this chapter shall apply to insurance companies subject to taxation under this chapter unless the context clearly requires otherwise. ~~The tax imposed upon societies, organizations or corporations under ch. 613 operating by virtue of s. 148.03, 447.13, 449.15 or 613.80 shall be upon such Wisconsin net income as is determined by application to such companies of those provisions of the internal revenue code applicable to mutual insurance companies, other than life insurance companies or mutual marine insurance companies, having total receipts over \$500,000 subject to any applicable addition or subtraction as provided in s. 71.45 (2) (a).~~

SECTION 2004. 71.44 (1) (a) of the statutes is amended to read:

71.44 (1) (a) Every corporation, except corporations all of whose income is exempt from taxation and except as provided in sub. (1m), shall furnish to the department a true and accurate statement, on or before March 15 of each year (except that returns for fiscal years ending on some other date than December 31 shall be furnished on or before the 15th day of the 3rd month following the close of such fiscal year) and except that returns for less than a full taxable year shall be furnished on or before the date applicable for federal income taxes under the internal revenue code, in such manner and form and setting forth such facts as the department deems necessary to enforce this chapter. Such The statement shall be subscribed by

the president, vice president, treasurer, assistant treasurer, chief accounting officer or any other officer duly authorized so to act. In the case of a return made for a corporation by a fiduciary such, the fiduciary shall subscribe the return. The fact that an individual's name is subscribed on the return shall be prima facie evidence that such the individual is authorized to subscribe the return on behalf of the corporation.

SECTION 2005. 71.44 (2) (c) of the statutes is amended to read:

71.44 (2) (c) ~~When~~ If a separate corporation income tax return is made for a fractional part of a year for federal income tax purposes, the corporation shall file a separate Wisconsin income or franchise tax return for that fractional year. The income shall be computed and reported on the basis of the period for which the separate return is made, and such that fractional part of a year shall constitute an income a taxable year, except that if a corporation terminates, under section 1362 (d) (1) or (2) of the internal revenue code, its election to be treated as an S corporation for federal income tax purposes the corporation may allocate its items of income, loss or deduction between its short taxable year as a tax-option corporation and its short taxable year as a nontax-option corporation according to the method under section 1362 (e) (2) of the internal revenue code.

SECTION 2006. 71.44 (2) (d) of the statutes is amended to read:

71.44 (2) (d) If a separate income or franchise tax return is made for a short period under par. (b) on account of a change in the income taxable year, the net income for such short period shall be placed on an annual basis by multiplying the amount thereof by 12 and dividing by the number of months included in the period for which the separate return is made. The tax shall be such part of the tax computed on such annual basis as the number of months in such short period is of 12 months using the method applicable for federal income taxes under section 443 (b) (1) of the internal revenue code.

SECTION 2007. 71.44 (4) (b) of the statutes is amended to read:

71.44 (4) (b) Corporation franchise and income taxes not paid on or before the 15th day of the 3rd month following the close of the income taxable year shall be deemed delinquent.

SECTION 2007m. 71.45 (1) of the statutes is amended to read:

71.45 (1) EXEMPT AND EXCLUDABLE INCOME. There shall be exempt from taxation under this subchapter income of ~~mutual~~ insurers exempt from federal income taxation pursuant to section 501 (c) (15) of the internal revenue code, town mutuals organized under or subject to ch. 612, foreign insurers, and domestic insurers engaged exclusively in life insurance business, domestic insurers insuring against financial loss by reason of nonpayment of principal, interest and other

sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust or other instrument constituting a lien or charge on real estate and corporations organized under ch. 185 or operating under subch. I of ch. 616 which are bona fide cooperatives operated without pecuniary profit to any shareholder or member, or operated on a cooperative plan pursuant to which they determine and distribute their proceeds in substantial compliance with s. 185.45. ~~This subsection does not apply to the income of insurers under ch. 613 operating by virtue of s. 148.03, 447.13, 449.15 or 613.80. Tax on the income of such insurers shall be payable under s. 71.44 (1).~~

SECTION 2007n. 71.45 (2) (a) (intro.) of the statutes is amended to read:

71.45 (2) (a) (intro.) Insurers subject to taxation under this chapter, ~~except insurers under ch. 613 operating by virtue of s. 148.03, 447.13, 449.15 or 613.80,~~ shall pay a tax according to or measured by net income. Such tax is payable under s. 71.44 (1). "Net income" of an insurer subject to taxation under this chapter means federal taxable income as determined in accordance with the provisions of the internal revenue code adjusted as follows:

SECTION 2008. 71.45 (2) (a) 3 of the statutes is amended to read:

71.45 (2) (a) 3. ~~By~~ For insurers subject to taxation under s. 71.43 (1), by adding to federal taxable income an the amount equal to of any interest income received or accrued during the taxable year to the extent such interest income was used as a deduction in determining the company's that is not included in federal taxable income except the amount of any interest income which is by federal law exempt from taxation by this state and, for insurers subject to taxation under s. 71.43 (2), by adding to federal taxable income the amount of any interest income which is not included in federal taxable income.

SECTION 2009. 71.45 (2) (a) 10 of the statutes is created to read:

71.45 (2) (a) 10. By adding to federal taxable income the amount of credit computed under s. 71.47 (1di) to (1ds) and not passed through by a partnership or tax-option corporation that has added that amount to the partnership's or tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g) and the amount of credit any computed under s. 71.47 (1), (2b), (3) and (4).

SECTION 2010. 71.45 (2) (a) 11 of the statutes is created to read:

71.45 (2) (a) 11. By subtracting from federal taxable income the amount of any recapture under s. 71.47 (1di) (e).

SECTION 2010m. 71.45 (2) (a) 13 of the statutes is created to read:

71.45 (2) (a) 13. By adding or subtracting, as appropriate, the difference between the depreciation deduc-

tion under the federal internal revenue code as amended to December 31, 1988, and the depreciation deduction under the federal internal revenue code in effect for the taxable year for which the return is filed, so as to reflect the fact that the insurer may choose between these 2 deductions, except that property first placed in service by the taxpayer on or after January 1, 1983, but before January 1, 1987, that, under s. 71.04 (15) (b) and (br), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, and property first placed in service in taxable year 1981 or thereafter but before January 1, 1987, that, under s. 71.04 (15) (bm), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980.

SECTION 2010p. 71.45 (3) (intro.) of the statutes is amended to read:

71.45 (3) APPORTIONMENT. (intro.) With respect to domestic insurers not engaged in the sale of life insurance ~~or not operating under ch. 613 by virtue of s. 148.03, 447.13, 449.15 or 613.80~~ but which, in the taxable year, have collected premiums written on subjects of insurance resident, located or to be performed outside this state, there shall be subtracted from the net income figure derived by application of sub. (2) (a) to arrive at Wisconsin income constituting the measure of the franchise tax an amount calculated by multiplying such adjusted federal taxable income by the arithmetic average of the following 2 percentages:

SECTION 2011. 71.45 (4) of the statutes is amended to read:

71.45 (4) NET BUSINESS LOSS CARRY-FORWARD. Insurers computing tax under this subchapter may subtract from Wisconsin net income any Wisconsin net business loss sustained in any of the next 15 preceding ~~income~~ taxable years to the extent not offset by Wisconsin net business income of any year between the loss year and the ~~income~~ taxable year for which an offset is claimed and computed without regard to sub. (2) (a) 8 and 9 and this subsection and limited to the amount of net income, but no loss incurred for a taxable year before taxable year 1987 by a nonprofit service plan of sickness care under ch. 148, dental care under s. 447.13 or prepaid optometric service plans under s. 449.15 may be treated as a net business loss of the successor service insurer under ch. 613 operating by virtue of s. 148.03, 447.13 or 449.15.

SECTION 2012am. 71.47 (1di) (a) (intro.) of the statutes is amended to read:

71.47 (1di) (a) (intro.) Except as provided in ~~par.~~ par. (dm) and (f) and s. 73.03 (35), for any taxable year for which the person is certified under s. 560.765 (3) for tax benefits, any person may claim as a credit against taxes otherwise due under this chapter 2.5% of the ~~amount expended to purchase price of depreciable~~, tangible personal property, or 1.75% of the ~~amount expended to purchase price of depreciable~~,

tangible personal property that is expensed under section 179 of the internal revenue code for purposes of the taxes under this chapter, except that:

SECTION 2013. 71.47 (1di) (a) 1 of the statutes is amended to read:

71.47 (1di) (a) 1. The investment must be in property that is purchased after the person is certified under s. 560.765 (3) for tax benefits and that is used only for at least 50% of its use in the conduct of the business operations for which the claimant is certified under s. 560.765 (3) at a location in a development zone under subch. ~~V~~ VI of ch. 560 or, if the property is mobile, the base of operations of the property for at least 50% of its use must be a location in a development zone.

SECTION 2014. 71.47 (1di) (a) 2 of the statutes is amended to read:

71.47 (1di) (a) 2. The credit under this subsection may be claimed only by the person who purchased the property the investment in which is the basis for the credit, except that only partners may claim the credit based on purchases by a partnership and except that only shareholders may claim the credit based on purchases by a tax-option corporation.

SECTION 2015. 71.47 (1di) (a) 3 of the statutes is amended to read:

71.47 (1di) (a) 3. If the credit is claimed for used property, the claimant may not have used the property for business purposes at a location outside the development zone. If the credit is attributable to a partnership or tax-option corporation, that entity may not have used the property for business purposes at a location outside the development zone.

SECTION 2016. 71.47 (1di) (b) of the statutes is amended to read:

71.47 (1di) (b) The credit, including any credits carried over, may be offset only against the amount of the tax otherwise due under this chapter attributable to income from the business operations of the claimant in the development zone and against the tax attributable to income from directly related business operations of the claimant. Partnerships and tax-option corporations may not claim the credit under this subsection, but the eligibility for, and amount of, that credit shall be determined on the basis of their economic activity, not that of their shareholders or partners. The corporation or partnership shall compute the amount of the credit that may be claimed by each of its shareholders or partners and shall provide that information to each of its shareholders or partners. Partners and shareholders of tax-option corporations may claim the ~~partnership's or corporation's~~ credit based on the partnership's or corporation's activities in proportion to their ownership interest and may offset it against the tax attributable to their income from the partnership's or corporation's business operations in the development zone and against the tax attributable to their income from the partnership's or corporation's directly related business operations.

SECTION 2016m. 71.47 (1di) (d) 2 of the statutes is amended to read:

71.47 (1di) (d) 2. A statement from the department of development verifying the amount purchase price of the investment and verifying that the investment fulfills the requirements under par. (a).

SECTION 2017am. 71.47 (1di) (dm) of the statutes is created to read:

71.47 (1di) (dm) In calculating the credit under par. (a), a claimant shall reduce the purchase price of the property by a percentage equal to the percentage of use of the property during the taxable year the property is first placed into service that is for a purpose not specified under par. (a) 1.

SECTION 2018. 71.47 (1di) (e) of the statutes is amended to read:

71.47 (1di) (e) The recapture provisions under section 47 (a) (5) of the internal revenue code as amended to December 31, 1985, as they apply to the credit under section 46 of the internal revenue code, apply to the credit under this subsection, except that those provisions also apply if the property for which the credit is claimed is moved out of the development zone or, for mobile property, if the base of operations is moved out of the zone and except that the determination of whether or not property is 3-year property shall be made under section 168 of the internal revenue code.

SECTION 2019. 71.47 (1di) (f) of the statutes is repealed and recreated to read:

71.47 (1di) (f) If the certification of a person for tax benefits under s. 560.765 (3) is revoked, that person may claim no credits under this subsection for the taxable year that includes the day on which the certification is revoked or succeeding taxable years and that person may carry over no unused credits from previous years to offset tax under this chapter for the taxable year that includes the day on which certification is revoked or succeeding taxable years.

SECTION 2020. 71.47 (1di) (g) of the statutes is amended to read:

71.47 (1di) (g) If a person who ~~has claimed a credit under this subsection~~ is certified under s. 560.765 (3) for tax benefits ceases business operations in the development zone during any of the taxable years that that zone exists, that person may not carry over to any taxable year following the year during which operations cease any unused credits from the taxable year during which operations cease or from previous taxable years.

SECTION 2021. 71.47 (1dj) (a) of the statutes is repealed.

SECTION 2022. 71.47 (1dj) (am) 1 of the statutes is amended to read:

71.47 (1dj) (am) 1. Modify "member of a targeted group", as defined in section 51 (d) of the internal revenue code, to include ~~dislocated farmers~~, persons unemployed as a result of a business action subject to s. 109.07 (1) and persons ~~whose unemployment bene-~~

~~fits have expired specified under 29 USC 1652 (a) and to require a member of a targeted group to be a resident of this state.~~

SECTION 2023. 71.47 (1dj) (am) 2 of the statutes is amended to read:

71.47 (1dj) (am) 2. Modify "designated local agency", as defined in section 51 (d) (15) of the internal revenue code, to include the job training partnership act organization for the area that includes the development zone in which the employee in respect to whom the credit under this subsection is claimed works, if the department of development approves the criteria used for certification, and the department of development if the criteria used for certification are the same as those used by the person who is the designated local agency for the purposes of that section.

SECTION 2024. 71.47 (1dj) (am) 4 of the statutes is amended to read:

71.47 (1dj) (am) 4. Modify "qualified wages" as defined in section 51 (b) of the internal revenue code to exclude wages paid before the claimant is certified for tax benefits under s. 560.765 (3) and to exclude wages that are paid to employees for work at any location that is not in a development zone under subch. ~~VI~~ of ch. 560 and to exclude wages paid to leased or rented employees by the person to whom they are leased or rented. For purposes of this subdivision, mobile employees work at their base of operations and leased or rented employees work at the location where they perform services.

SECTION 2025. 71.47 (1dj) (am) 4e of the statutes is created to read:

71.47 (1dj) (am) 4e. Modify section 51 (c) (2) of the internal revenue code to specify that the rules for on-the-job training and work supplementation payments also apply to those kinds of payments funded by this state.

SECTION 2026. 71.47 (1dj) (am) 4g of the statutes is created to read:

71.47 (1dj) (am) 4g. Delete section 51 (c) (4) of the internal revenue code.

SECTION 2027. 71.47 (1dj) (am) 4m of the statutes is created to read:

71.47 (1dj) (am) 4m. Modify the rule on remuneration under section 51 (f) of the internal revenue code so that it does not apply to persons who are exempt from tax under this chapter.

SECTION 2028. 71.47 (1dj) (am) 4t of the statutes is created to read:

71.47 (1dj) (am) 4t. Modify section 51 (i) (3) of the internal revenue code so that for leased or rented employees, except employees of a leasing agency certified for tax benefits under s. 560.765 (3) who perform services directly for the agency in a development zone, the minimum employment periods apply to the time that they perform services in a development zone for a single lessee or renter, not to their employment by the leasing agency.

SECTION 2029. 71.47 (1dj) (am) 7 of the statutes is amended to read:

71.47 (1dj) (am) 7. Modify section 51 of the internal revenue code as under subds. 1 to ~~4~~ 4t.

SECTION 2030. 71.47 (1dj) (c) of the statutes is amended to read:

71.47 (1dj) (c) The credit under this subsection may not be claimed by partnerships and tax-option corporations but the eligibility for, and the amount of, that credit shall be determined on the basis of their economic activity, not that of their shareholders or partners. The corporation or partnership shall compute the amount of the credit that may be claimed by each of its shareholders or partners and shall provide that information to each of its shareholders or partners. That credit may be claimed by partners and shareholders of tax-option corporations in proportion to their ownership interests.

SECTION 2031. 71.47 (1dj) (e) 2 of the statutes is repealed.

SECTION 2032. 71.47 (1dj) (e) 3 of the statutes is amended to read:

71.47 (1dj) (e) 3. A statement from the department of development verifying the ~~information under subd. 2~~ amount of qualifying wages and verifying that the employees were hired for work only in a development zone or are mobile employees whose base of operations is in a development zone.

SECTION 2033. 71.47 (1dL) (a) of the statutes is repealed and recreated to read:

71.47 (1dL) (a) Except as provided in pars. (ag), (ar), (bm) and (f) and s. 73.03 (35), for any taxable year for which the person is certified under s. 560.765 (3) for tax benefits, any person may claim as a credit against taxes otherwise due under this subchapter an amount equal to 2.5% of the amount expended by that person to acquire, construct, rehabilitate or repair real property in a development zone under subch. VI of ch. 560.

SECTION 2034. 71.47 (1dL) (ag) of the statutes is created to read:

71.47 (1dL) (ag) If the credit under par. (a) is claimed for an amount expended to construct, rehabilitate, remodel or repair property, the claimant must have begun the physical work of construction, rehabilitation, remodeling or repair, or any demolition or destruction in preparation for the physical work, after the place where the property is located was designated a development zone under s. 560.71 and the completed project must be placed in service after the claimant is certified for tax benefits under s. 560.765 (3). In this paragraph, "physical work" does not include preliminary activities such as planning, designing, securing financing, researching, developing specifications or stabilizing the property to prevent deterioration.

SECTION 2035. 71.47 (1dL) (ar) of the statutes is created to read:

71.47 (1dL) (ar) If the credit under par. (a) is claimed for an amount expended to acquire property,

the property must have been acquired by the claimant after the claimant is certified for tax benefits under s. 560.765 (3) and the property must not have been previously owned by the claimant or a related person during the period the development zone is in existence or during the 2 years prior to the designation of the development zone under s. 560.71. No credit is allowed for an amount expended to acquire property until the property, either in its original state as acquired by the claimant or as subsequently constructed, rehabilitated, remodeled or repaired, is placed in service.

SECTION 2035m. 71.47 (1dL) (aw) of the statutes is created to read:

71.47 (1dL) (aw) In par. (ar), property is previously owned by a claimant or a related person if a claimant may not deduct a loss from a sale to, or exchange of property with, that related person under section 267 of the internal revenue code, except that section 267 (b) of the internal revenue code is modified so that any ownership percentage, rather than 50% ownership, makes a claimant subject to section 267 (a) (1) of the internal revenue code for purposes of this subsection.

SECTION 2036. 71.47 (1dL) (bm) of the statutes is created to read:

71.47 (1dL) (bm) In calculating the credit under par. (a) a claimant shall reduce the amount expended to acquire property by a percentage equal to the percentage of the area of the real property not used for the purposes for which the claimant is certified to claim tax benefits under s. 560.765 (3) and shall reduce the amount expended for other purposes by the amount expended on the part of the property not used for the purposes for which the claimant is certified to claim tax benefits under s. 560.765 (3).

SECTION 2037. 71.47 (1dL) (e) of the statutes is amended to read:

71.47 (1dL) (e) Partnerships and tax-option corporations may not claim the credit under this subsection, but the eligibility for and the amount of, that credit shall be determined on the basis of their economic activity, not that of their shareholders or partners. The corporation or partnership shall compute the amount of credit that may be claimed by each of its shareholders or partners and provide that information to its shareholders or partners. Partners and shareholders of tax-option corporations may claim the credit based on the partnership's or corporation's credit activities in proportion to their ownership interest and may offset it against the tax attributable to their income from the partnership's or corporation's business operations in the development zone and against the tax attributable to their income from the partnership's or corporation's directly related business operations.

SECTION 2038. 71.47 (1ds) (a) 2 of the statutes is amended to read:

71.47 (1ds) (a) 2. "Eligible property" means construction materials and supplies and other materials

that are used to construct, rehabilitate, repair or remodel real property ~~located in a development zone that is eligible for the credit under sub. (1dL)~~ and investment credit property.

SECTION 2038m. 71.47 (1ds) (a) 3 of the statutes is amended to read:

71.47 (1ds) (a) 3. "Investment credit property" means depreciable, tangible personal property that is purchased by a person who uses it at a location in a development zone and that is eligible for the credit under sub. (1di) and leased or rented depreciable, tangible personal property that would be eligible for the credit under sub. (1di) if it had been purchased.

SECTION 2039. 71.47 (1ds) (b) of the statutes is amended to read:

71.47 (1ds) (b) Except as provided in ~~par. pars. (dm) and (e)~~ and s. 73.03 (35), for any taxable year for which the person is certified under s. 560.765 (3) for tax benefits, any person may claim as a credit against taxes otherwise due under this chapter the taxes paid under subchs. III and V of ch. 77 on their purchases, leases and rentals of eligible property. Partnerships and tax-option corporations may not claim the credit under this subsection but the eligibility for, and the amount of, that credit shall be determined on the basis of their economic activity, not that of their partners or shareholders. The partnership or corporation shall compute the amount of the credit that may be claimed by each of its partners or shareholders and shall provide that information to each of its partners or shareholders. Partners and shareholders of tax-option corporations may claim the credit based on the partnership's or corporation's credit activities in proportion to their ownership interest.

SECTION 2040. 71.47 (1ds) (d) 3 of the statutes is repealed.

SECTION 2041. 71.47 (1ds) (dm) of the statutes is created to read:

71.47 (1ds) (dm) In calculating the credit under par. (b) a claimant shall reduce the sales tax paid for building supplies and materials by the reduction under sub. (1dL) (bm) and shall reduce the sales tax paid for investment credit property by the percentage reduction under sub. (1di) (dm).

SECTION 2042. 71.47 (1fd) (a) of the statutes is amended to read:

71.47 (1fd) (a) *Credit.* Except as provided in par. (b), if the director of the agriculture stabilization and conservation service certifies on or before October 1, 1988, that at least 40% of the crops in this state have been lost, for taxable year 1988 any claimant may credit against taxes otherwise due under this chapter an amount equal to 10% of the property taxes exclusive of special assessments, delinquent interest and charges for service, up to \$10,000, on that claimant's farm for the year for which the claim under this subsection is made. In this subsection, "farm" means 35 or more acres of real property in this state owned by

the claimant or any member of the claimant's household during the ~~income taxable~~ year for which a credit under this subsection is claimed if the farm, during that year, produced not less than \$6,000 in gross farm profits resulting from the farm's agricultural use, as defined in s. 91.01 (1), or if the farm, during that year and the 2 years immediately preceding that year, produced not less than \$18,000 in such profits. In deciding who is a claimant under this subsection, the department of revenue shall be guided by s. 71.58 (1) (a) to (g).

SECTION 2043. 71.47 (1fd) (b) of the statutes is amended to read:

71.47 (1fd) (b) (title) *Limits.* The credit under this subsection plus the credit under subch. IX may not exceed 95% of the property taxes on the farm. A claimant may claim the credit under this subsection on only one return if the claimant files more than one return for taxable year 1988 and may not claim the credit on a return filed for any 1988 taxable year beginning after July 31, 1988.

SECTION 2044. 71.47 (1fd) (c) of the statutes is amended to read:

71.47 (1fd) (c) *Form.* No claim under this subsection may be allowed unless the claimant completes a form prescribed by the department of revenue and submits that form with the claimant's income or franchise tax return and within 12 months following the close of the ~~income taxable~~ year in which the property taxes accrued.

SECTION 2046m. 71.47 (2m) of the statutes is created to read:

71.47 (2m) FARMLAND TAX RELIEF CREDIT. (a) *Definitions.* In this subsection:

1. "Claimant" means an owner of farmland, as defined in s. 91.01 (9), domiciled in this state during the entire year for which a credit under this subsection is claimed, except as follows:

a. When 2 or more individuals of a household are able to qualify individually as a claimant, they may determine between them who the claimant shall be. If they are unable to agree, the matter shall be referred to the secretary of revenue, whose decision is final.

b. For partnerships except publicly traded partnerships treated as corporations under s. 71.22 (1), "claimant" means each individual partner.

c. For purposes of filing a claim under this subsection, the personal representative of an estate and the trustee of a trust shall be deemed owners of farmland. "Claimant" does not include the estate of a person who is a nonresident of this state on the person's date of death, a trust created by a nonresident person, a trust which receives Wisconsin real property from a nonresident person or a trust in which a nonresident settlor retains a beneficial interest.

d. For purposes of filing a claim under this subsection, when land is subject to a land contract, the claimant shall be the vendee under the contract.

e. For purposes of filing a claim under this subsection, when a guardian has been appointed under ch. 880 for a ward who owns the farmland, the claimant shall be the guardian on behalf of the ward.

f. For a tax-option corporation, "claimant" means each individual shareholder.

2. "Department" means the department of revenue.

3. "Farmland" means 35 or more acres of real property, exclusive of improvements, in this state, in agricultural use, as defined in s. 91.01 (1), and owned by the claimant or any member of the claimant's household during the taxable year for which a credit under this subsection is claimed if the farm of which the farmland is a part, during that year, produced not less than \$6,000 in gross farm profits resulting from agricultural use, as defined in s. 91.01 (1), or if the farm of which the farmland is a part, during that year and the 2 years immediately preceding that year, produced not less than \$18,000 in such profits, or if at least 35 acres of the farmland, during all or part of that year, was enrolled in the conservation reserve program under 16 USC 3831 to 3836.

4. "Gross farm profits" means gross receipts, excluding rent, from agricultural use, as defined in s. 91.01 (1) including the fair market value at the time of disposition of payments in kind for placing land in federal programs or payments from the federal dairy termination program under 7 USC 1446 (d), less the cost or other basis of livestock or other items purchased for resale which are sold or otherwise disposed of during the taxable year.

5. "Household" means an individual and his or her spouse and all minor dependents.

6. "Property taxes accrued" means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on the farmland owned by the claimant or any member of the claimant's household in any calendar year under ch. 70, less the tax credit, if any, afforded in respect of the property by s. 79.10. If farmland is owned by a tax-option corporation or by 2 or more persons or entities as joint tenants, tenants in common or partners or is marital property or survivorship marital property and one or more such persons, entities or owners is not a member of the claimant's household, "property taxes accrued" is that part of property taxes levied on the farmland, reduced by the tax credit under s. 79.10, that reflects the ownership percentage of the claimant and the claimant's household. For purposes of this subdivision, property taxes are "levied" when the tax roll is delivered to the local treasurer for collection. If farmland is sold during the calendar year of the levy the "property taxes accrued" for the seller is the amount of the tax levy, reduced by the tax credit under s. 79.10, prorated to each in the closing agreement pertaining to the sale of the farmland, except that if the seller does not reimburse the buyer for any part of those property taxes there are no "property taxes

accrued" for the seller, and the "property taxes accrued" for the buyer is the property taxes levied on the farmland, reduced by the tax credit under s. 79.10, minus, if the seller reimburses the buyer for part of the property taxes, the amount prorated to the seller in the closing agreement. With the claim for credit under this subsection, the seller shall submit a copy of the closing agreement and the buyer shall submit a copy of the closing agreement and a copy of the property tax bill.

(b) *Filing claims.* 1. 'Eligibility and qualifications.' a. Subject to the limitations provided in this subsection and s. 71.80 (3) and (3m), a claimant may claim as a credit against Wisconsin income taxes otherwise due, the amount derived under par. (c). If the allowable amount of claim exceeds the income taxes otherwise due on the claimant's income or if there are no Wisconsin income taxes due on the claimant's income, the amount of the claim not used as an offset against income taxes shall be certified to the department of administration for payment to the claimant by check, share draft or other draft paid from the appropriation under s. 20.835 (2) (q).

b. Every claimant under this subsection shall supply, at the request of the department, in support of the claim, a copy of the property tax bill relating to the farmland and certification by the claimant that all taxes owed by the claimant on the property for which the claim is made for the year before the year for which the claim is made have been paid.

2. 'Ineligible claims.' No credit may be allowed under this subsection:

a. Unless a claim is filed with the department within 12 months following the close of the taxable year in which the property taxes accrued.

b. If the department determines that ownership of the farmland has been transferred to the claimant for the purpose of maximizing benefits under this subsection.

3. 'Amended claim.' A claimant who has filed a timely claim under this subsection may file an amended claim with the department of revenue within 4 years of the last day prescribed by law for filing the original claim.

(c) *Computation.* 1. Any claimant may claim against taxes otherwise due under this chapter 10% of the property taxes accrued in the taxable year to which the claim relates, up to a maximum claim of ~~\$1,420 for taxable year 1989 and \$1,000 for taxable year 1990 and thereafter~~ **Vetoed in Part**, except that the credit under this subsection plus the credit under subch. IX may not exceed 95% of the property taxes accrued on the farm.

2. For ~~taxable year~~ **Vetoed in Part** 1989, any claimant may claim against taxes otherwise due under this chapter an additional 4.2% of the property taxes accrued ~~in taxable year 1988~~ **Vetoed in Part**, subject to the limitations in subd. 1.

(d) *General provisions.* Section 71.61 (1) to (4) as it applies to the credit under subch. IX applies to the credit under this subsection.

SECTION 2047. 71.47 (3) (a) of the statutes is amended to read:

71.47 (3) (a) *Credit.* ~~For taxable year 1986 and subsequent years, any~~ Any corporation may credit against taxes otherwise due under this chapter an amount equal to 5%, ~~or 10% in the case of research conducted exclusively in a development zone under subch. V of ch. 560, of the amount obtained by subtracting from the corporation's qualified research expenses, as defined in section 41 of the internal revenue code, except that "qualified research expenses" includes only expenses incurred by the claimant, incurred for research conducted in this state for the taxable year and except that "qualified research expenses" does not include compensation used in computing the credit under sub. (1dj), the corporation's base period research expenses, as defined in section 41 of the internal revenue code. A claim for a 10% credit may be allowed only if the claimant submits with the claimant's return a copy of the claimant's certification for tax benefits under s. 560.765 (3) and a statement from the department of development verifying the claimant's qualified research expenses for research conducted exclusively in a development zone. The rules under sub. (1di) (f) and (g) as they apply to the credit under that subsection apply to claims for the 10% credit. Section 73.03 (35) applies to the 10% credit. Section 41 (i) of the internal revenue code does not apply to the credit under this paragraph.~~

SECTION 2048. 71.47 (3) (am) of the statutes is created to read:

71.47 (3) (am) *Development zone additional research credit.* In addition to the credit under par. (a), any corporation may credit against taxes otherwise due under this chapter an amount equal to 5% of the amount obtained by subtracting from the corporation's qualified research expenses, as defined in section 41 of the internal revenue code, except that "qualified research expenses" include only expenses incurred by the claimant in a development zone under subch. VI of ch. 560 and except that "qualified research expenses" do not include compensation used in computing the credit under sub. (1dj) nor compensation paid before the claimant is certified for tax benefits under s. 560.765 (3), the corporation's base period research expenses as defined in section 41 of the internal revenue code in a development zone, except that "qualified research expenses" do not include compensation used in computing the credit under sub. (1dj), if the claimant submits with the claimant's return a copy of the claimant's certification for tax benefits under s. 560.765 (3) and a statement from the department of ~~tourism and development~~ ~~tourism and development~~ verifying the claimant's qualified research expenses for research conducted exclusively in a development zone. The rules under s. 73.03 (35) apply to the credit under this paragraph. The rules under sub. (1di) (f) and (g) as they apply to the credit under that subsection apply to

claims under this paragraph. Section 41 (i) of the internal revenue code does not apply to the credit under this paragraph.

SECTION 2048m. 71.47 (3) (f) of the statutes is amended to read:

71.47 (3) (f) *Carry-over.* If ~~the~~ a credit computed under ~~par. (a) this subsection~~ is not entirely offset against Wisconsin income or franchise taxes otherwise due, the unused balance may be carried forward and credited against Wisconsin income or franchise taxes otherwise due for the following 15 taxable years to the extent not offset by these taxes otherwise due in all intervening years between the year in which the expense was incurred and the year in which the carry-forward credit is claimed.

SECTION 2049. 71.47 (3) (fm) of the statutes is repealed.

SECTION 2049g. 71.47 (3) (g) of the statutes is amended to read:

71.47 (3) (g) *Administration.* The department of revenue has full power to administer the ~~credit~~ credits provided in this subsection and may take any action, conduct any proceeding and proceed as it is authorized in respect to income and franchise taxes imposed in this chapter. The income and franchise tax provisions in this chapter relating to assessments, refunds, appeals, collection, interest and penalties apply to the ~~credit~~ credits under this subsection.

SECTION 2049i. 71.47 (3) (i) of the statutes is amended to read:

71.47 (3) (i) *Nonclaimants.* The ~~credit~~ credits under this subsection may not be claimed by a partnership, except a publicly traded partnership treated as a corporation under s. 71.22 (1), or tax-option corporation or by partners, including partners of a publicly traded partnership, or shareholders of a tax-option corporation.

SECTION 2050. 71.47 (5) (title) and (a) of the statutes are amended to read:

71.47 (5) (title) SUPPLEMENT TO FEDERAL HISTORIC REHABILITATION CREDIT. (a) Any person may credit against taxes otherwise due under this chapter, up to the amount of those taxes, an amount equal to 5% of the costs of qualified rehabilitation expenditures, as defined in section 48 (g) ~~2 (2)~~ of the internal revenue code, ~~as amended to December 31, 1987, for certified historic structures on property located in this state if the physical work of construction or destruction in preparation for construction begins after December 31, 1988, and the rehabilitated property is placed in service after June 30, 1989.~~

SECTION 2051. 71.47 (5) (b) of the statutes is repealed.

SECTION 2052. 71.47 (5) (c) of the statutes is created to read:

71.47 (5) (c) No person may claim the credit under this subsection unless the claimant includes with the claimant's return evidence that the rehabilitation was

Vetoed
in Part

approved by the secretary of the interior under 36 CFR 67.6 before the physical work of construction, or destruction in preparation for construction, began.

SECTION 2053. 71.47 (5) (d) of the statutes is amended to read:

71.47 (5) (d) The Wisconsin adjusted basis of the property building shall be reduced by the amount of any credit awarded under this subsection. The Wisconsin adjusted basis of a partner's interest in a partnership or of stock in a tax-option corporation shall be adjusted to take into account adjustments made under this paragraph.

SECTION 2054. 71.47 (5) (e) of the statutes is amended to read:

71.47 (5) (e) The provisions of sub. (3) ~~(e)~~, (e), (f), (g) and (h), as they apply to the credit under that subsection, apply to the credit under this subsection.

SECTION 2055. 71.47 (5) (f) of the statutes is amended to read:

71.47 (5) (f) A partnership or tax-option corporation may not claim the credit under this subsection. The individual partners and or shareholders in a tax-option corporation may claim the credit under this subsection based on eligible costs incurred by a the partnership or tax-option corporation, in proportion to the ownership interest of each partner or shareholder. The partnership or tax-option corporation shall calculate the amount of the credit which may be claimed by each partner or shareholder and shall provide that information to the partner or shareholder.

SECTION 2056d. 71.47 (6) (title) and (a) of the statutes are amended to read:

71.47 (6) (title) STATE HISTORIC REHABILITATION CREDIT. (a) For taxable years ~~1989 and 1990~~ beginning on or after August 1, 1988, any person may credit against taxes otherwise due under this chapter an amount equal to 25% of the ~~approved~~ costs of preservation or rehabilitation of historic property located in this state if the physical work of construction or destruction in preparation for construction begins after December 31, 1988, except that the credit may not exceed ~~\$50,000~~ \$10,000 for any preservation or rehabilitation project.

SECTION 2057. 71.47 (6) (b) 2 of the statutes is amended to read:

71.47 (6) (b) 2. The historic property is ~~nondepreciable~~ a human burial site or an archaeological site, as defined in s. 44.47 (1) (b), or the historic property is an owner-occupied personal residence or other property not eligible for the credit under sub. (5) if the residence or property is not actively used in a trade or business, held for the production of income or held for sale or other disposition in the ordinary course of the claimant's trade or business.

SECTION 2058. 71.47 (6) (b) 3. b of the statutes is amended to read:

71.47 (6) (b) 3. b. The proposed preservation or rehabilitation plan complies with standards promul-

gated under s. 44.02 (24) and the completed preservation or rehabilitation substantially complies with the proposed plan.

SECTION 2059. 71.47 (6) (b) 4 of the statutes is amended to read:

71.47 (6) (b) 4. The preservation or rehabilitation work is completed within 2 years after the ~~commencement~~ date that the physical work of construction or destruction in preparation for construction begins, except in the case of any preservation or rehabilitation which is initially planned for completion in phases, in which case the work shall be completed within 5 years after the ~~commencement~~ date that the physical work of construction or destruction in preparation for construction begins.

SECTION 2060. 71.47 (6) (b) 5 of the statutes is amended to read:

71.47 (6) (b) 5. The expenditures for preservation or rehabilitation of the historic property ~~which are approved under subd. 3. b and are incurred within the time period in subd. 4~~ exceed the Wisconsin adjusted basis of the historic property on the date that preservation or rehabilitation is commenced or greater of \$1,000, whichever is greater or the adjusted basis of the building if the historic property is a building or of the entire property if the historic property is not a building on the date that the physical work of construction, or destruction in preparation for construction, begins.

SECTION 2061. 71.47 (6) (b) 7 of the statutes is amended to read:

71.47 (6) (b) 7. The costs were not incurred before the state historical society approved the proposed preservation or rehabilitation plan under subd. 3. b.

SECTION 2062. 71.47 (6) (c) of the statutes is amended to read:

71.47 (6) (c) The Wisconsin adjusted basis of the building if the historic property is a building or of the entire property if the historic property is not a building shall be reduced by the amount of any credit awarded under this subsection. The Wisconsin adjusted basis of a partner's interest in a partnership or of stock in a tax-option corporation shall be adjusted to take into account adjustments made under this paragraph.

SECTION 2063. 71.47 (6) (d) and (e) of the statutes are repealed.

SECTION 2064. 71.47 (6) (g) of the statutes is amended to read:

71.47 (6) (g) The provisions of sub. (3) ~~(e)~~, (e) and, (f), (g) ~~to (i)~~ and (h), as they apply to the credit under that subsection, apply to the credit under this subsection.

SECTION 2065. 71.47 (6) (h) of the statutes is created to read:

71.47 (6) (h) A partnership or tax-option corporation may not claim the credit under this subsection. The individual partners or shareholders in a tax-

option corporation may claim the credit under this subsection, based on eligible costs incurred by the partnership or tax-option corporation, in proportion to the ownership interest of each partner or shareholder. The partnership or tax-option corporation shall calculate the amount of the credit which may be claimed by each partner or shareholder and shall provide that information to the partner or shareholder.

SECTION 2066. 71.47 (6) (i) of the statutes is created to read:

71.47 (6) (i) If the historic property is owned by 2 or more persons that hold legal title or equitable title as a land contract vendee and are not joint tenants, tenants in common or spouses owning marital property, the credit under this subsection may be claimed as follows:

1. For projects benefiting one owner, a person may claim the credit based on eligible costs incurred individually.

2. For projects benefiting 2 or more owners, a person may claim the credit based on eligible costs incurred by the benefiting owners in proportion to the person's ownership interest.

SECTION 2067b. 71.47 (6) (j) of the statutes is created to read:

71.47 (6) (j) No person may claim the credit under this subsection for any of the following:

1. Rehabilitation of a personal residence if the claimant claimed a credit under this subsection for the rehabilitation of another personal residence within the 5 preceding taxable years.

2. Rehabilitation of property if the property was acquired by the claimant under an agreement requiring the claimant to sell or otherwise dispose of the property back to the previous owner within 5 years after the date that the property was acquired.

SECTION 2068. 71.49 (1) (er) of the statutes is amended to read:

71.49 (1) (er) Historic structure Supplement to federal historic rehabilitation credit under s. 71.47 (5).

SECTION 2069. 71.49 (1) (et) of the statutes is created to read:

71.49 (1) (et) State historic rehabilitation credit under s. 71.47 (6).

SECTION 2070. 71.49 (1) (f) of the statutes is amended to read:

71.49 (1) (f) The total of farmers' drought property tax credit under s. 71.47 (1fd), farmland preservation credit under subch. IX, farmland tax relief credit under s. 71.47 (2m), development zones sales tax credit under s. 71.47 (1ds), development zones jobs credit under s. 71.47 (1dj) and estimated tax payments under s. 71.48.

SECTION 2070m. 71.52 (5) of the statutes is amended to read:

71.52 (5) "Household income" means all income received by all persons of a household in a calendar

year while members of the household, less ~~\$250 for the claimant's spouse who has the same principal abode as the claimant and~~ \$250 for each of the claimant's dependents, as defined in section 152 of the internal revenue code, who have the same principal abode as the claimant. **Vetoed in Part**

SECTION 2071. 71.53 (1) (a) of the statutes is amended to read:

71.53 (1) (a) Subject to the limitations provided in this subchapter and s. 71.80 (3) and (3m), a claimant may claim as a credit against Wisconsin income taxes otherwise due, Wisconsin property taxes accrued, or rent constituting property taxes accrued, or both. If the allowable amount of claim exceeds the income taxes otherwise due on the claimant's income or if there are no Wisconsin income taxes due on the claimant's income, the amount of the claim not used as an offset against income taxes shall be certified to the department of administration for payment to the claimant by check, share draft or other draft drawn on the general fund.

SECTION 2072. 71.54 (1) (b) (intro.) of the statutes is amended to read:

71.54 (1) (b) (title) 1987 to 1989. (intro.) The amount of any claim filed in 1987 ~~and thereafter to 1989~~ and based on property taxes accrued or rent constituting property taxes accrued during the previous year is limited as follows:

SECTION 2073. 71.54 (1) (c) of the statutes is created to read:

71.54 (1) (c) 1990 and thereafter. The amount of any claim filed in 1990 and thereafter and based on property taxes accrued or rent constituting property taxes accrued during the previous year is limited as follows:

1. If the household income was \$8,000 or less in the year to which the claim relates, the claim is limited to 80% of the property taxes accrued or rent constituting property taxes accrued or both in that year on the claimant's homestead.

2. If the household income was more than \$8,000 in the year to which the claim relates, the claim is limited to 80% of the amount by which the property taxes accrued or rent constituting property taxes accrued or both in that year on the claimant's homestead exceeds 13.5% of the household income exceeding \$8,000.

3. No credit may be allowed if the household income of a claimant exceeds \$18,000.

SECTION 2074. 71.54 (2) (b) 1 of the statutes is amended to read:

71.54 (2) (b) 1. In calendar year years 1984, or any subsequent calendar year to 1988, \$1,200.

SECTION 2075. 71.54 (2) (b) 2 of the statutes is created to read:

71.54 (2) (b) 2. In calendar year 1989 or any subsequent calendar year, \$1,350.

SECTION 2076. 71.55 (1) of the statutes is amended to read:

71.55 (1) APPLICATION OF CREDIT AGAINST ANY LIABILITY. The amount of any claim otherwise payable under this subchapter may be applied by the department of revenue against any amount certified to the department under s. 71.93 or ~~against any liability outstanding on the books of the department against the claimant, or against any other individual who was a member of his or her household in the year to which the claim relates~~ may be credited under s. 71.80 (3) or (3m).

SECTION 2077. 71.58 (3) of the statutes is amended to read:

71.58 (3) "Farmland" means 35 or more acres of real property in this state owned by the claimant or any member of the claimant's household during the ~~income taxable~~ year for which a credit under this subchapter is claimed if the farmland, during that year, produced not less than \$6,000 in gross farm profits resulting from the farmland's agricultural use, as defined in s. 91.01 (1), or if the farmland, during that year and the 2 years immediately preceding that year, produced not less than \$18,000 in such profits, or if at least 35 acres of the farmland, during all or part of that year, was enrolled in the conservation reserve program under 16 USC 3831 to 3836.

SECTION 2078. 71.58 (4) of the statutes is amended to read:

71.58 (4) "Gross farm profits" means gross receipts, excluding rent, from agricultural use, as defined in s. 91.01 (1) including the fair market value at the time of disposition of payments in kind for placing land in federal programs or payments from the federal dairy termination program under 7 USC 1446 (d), less the cost or other basis of livestock or other items purchased for resale which are sold or otherwise disposed of during the ~~income taxable~~ year.

SECTION 2079. 71.58 (6) of the statutes is amended to read:

71.58 (6) "Household income" means all of the income of the claimant and the claimant's spouse and the farm income, including wages, earned on the farm to which the credit applies of all minor dependents attributable to the ~~income taxable~~ year while members of the household.

SECTION 2080. 71.58 (7) (b) of the statutes is amended to read:

71.58 (7) (b) For a corporate claimant, except a tax-option corporation, means the same as for an individual claimant except that net income plus any farm business loss carry-forward allowed under s. 71.26 (4) shall be included instead of income under s. 71.52 (6) and "income" of a corporate claimant shall include all household income of each of its corporate shareholders of record at the end of its ~~income taxable~~ year, plus nonfarm business losses and depreciation expenses of the corporate claimant, except the first \$25,000 of depreciation expenses in respect to the farm.

SECTION 2081. 71.58 (9) of the statutes is created to read:

71.58 (9) "Taxable year" has the meaning under s. 71.01 (12).

SECTION 2082. 71.59 (1) (a) of the statutes is amended to read:

71.59 (1) (a) Subject to the limitations provided in this subchapter and s. 71.80 (3) and (3m), a claimant may claim as a credit against Wisconsin income taxes otherwise due, the amount derived under s. 71.60. If the allowable amount of claim exceeds the income taxes otherwise due on the claimant's income or if there are no Wisconsin income taxes due on the claimant's income, the amount of the claim not used as an offset against income taxes shall be certified to the department of administration for payment to the claimant by check, share draft or other draft drawn on the general fund.

SECTION 2083. 71.59 (2) (a) of the statutes is amended to read:

71.59 (2) (a) Unless a claim therefore is filed with the department within 12 months following the close of the ~~income taxable~~ year in which the property taxes accrued.

SECTION 2083e. 71.60 (1) (c) 6m of the statutes is created to read:

71.60 (1) (c) 6m. If the farmland is located in an agricultural district under a certified county agricultural preservation plan under subch. IV of ch. 91 at the close of the year for which credit is claimed, and is located in an area zoned for exclusive agricultural use under a certified county or town ordinance under subch. V of ch. 91 for part of a year but not at the close of that year because the farmland became subject to a city or village extraterritorial zoning ordinance under s. 62.23 (7a), the amount of the claim shall be equal to the amount that the claim would have been under this section if the farmland were subject to a certified county or town exclusive agricultural use ordinance at the close of the year.

SECTION 2084. 71.61 (1) of the statutes is amended to read:

71.61 (1) DEPARTMENT MAY APPLY CREDIT AGAINST ANY TAX LIABILITY. The amount of any claim otherwise payable under this subchapter may be applied by the department against any amount certified to the department under s. 71.93 or ~~against any liability outstanding on the books of the department against the claimant or against any other individual who was a member of the claimant's household in the year to which the claim relates~~ may be credited under s. 71.80 (3) or (3m).

SECTION 2085. 71.64 (8) (c) of the statutes is amended to read:

71.64 (8) (c) The department of ~~health and social services corrections~~ is not required to withhold under sub. (1) from wages paid to an inmate working in a prison listed in s. ~~53.01 302.01~~, and if the inmate's wages do not exceed \$2,000 per year the department of

~~health and social services~~ corrections is not required under s. 71.65 (3) to file reports relating to those wages.

SECTION 2086. 71.70 (1) of the statutes is amended to read:

71.70 (1) PERSONS OTHER THAN CORPORATIONS. Persons other than corporations deducting rent or royalties in determining taxable income shall inform the department of the amounts and of the name and address of all natural persons who are residents of this state and to whom royalties of \$600 or more were paid during the income taxable year; and of the amounts and of the name and address of ~~residents and nonresidents~~ all natural persons to whom rent of \$600 or more is paid during the income taxable year for property having a situs in this state. Such information shall be submitted on forms prescribed by the department and shall be filed at the time of filing the income tax return on which such payments are deducted, or at such other time as the department prescribes.

SECTION 2087. 71.70 (2) of the statutes is amended to read:

71.70 (2) CORPORATIONS. All corporations doing business in this state shall file with the department, on or before March 15 of each year on forms prescribed by the department, any information relative to payments made within the preceding calendar year of rents and royalties to all natural persons taxable thereon under this chapter in amounts and in the manner and form prescribed by the department.

SECTION 2088. 71.74 (8) (a) of the statutes is amended to read:

71.74 (8) (a) Whenever an audit of any claim filed under s. 71.07 (3m) or (6), 71.28 or 71.47 or subch. VIII or IX indicates that an incorrect claim was filed, the department of revenue shall make a determination of the correct amount and notify the claimant of the determination and the reasons therefor under sub. (11) 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.

SECTION 2089. 71.74 (8) (b) of the statutes is amended to read:

71.74 (8) (b) In any case in which it is determined that a claim for a credit under s. 71.07 (1), (2), (3m) or (5) to (8), 71.28 (1), (2m), (4) or (5) or 71.47 (1), (2m), (3) or (4) or subch. VIII or IX is false or excessive and was filed with fraudulent intent, the claim shall be disallowed in full and, if the claim has been paid or a credit has been allowed against income taxes otherwise payable, the credit shall be canceled and the amount paid may be recovered by assessment as income taxes are assessed.

SECTION 2090. 71.74 (8) (c) of the statutes is amended to read:

71.74 (8) (c) In any case in which it is determined that a claim under s. 71.07 (1), (2), (3m) or (5) to (8), 71.28 (1), (2m), (4) or (5) or 71.47 (1), (2m), (3) or (4) or subch. VIII or IX is excessive and was negligently prepared, 10% of the corrected claim shall be disallowed and, 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.

SECTION 2091. 71.74 (8) (d) of the statutes is created to read:

71.74 (8) (d) If a claim for a credit under s. 71.07 (9r), 71.28 (7) or 71.47 (6) is false or excessive, the department of revenue shall disallow the claim in full. If a credit has been allowed against income or franchise taxes otherwise payable, the credit shall be canceled and the amount may be recovered by assessment as income taxes are assessed. Notwithstanding par. (a) and s. 71.77, the department shall notify the claimant of the determination and shall give reasons for the disallowance under sub. (11) within 4 years after the date that the state historical society notifies the department of any of the following:

1. That the preservation or rehabilitation is not in compliance with s. 71.07 (9r) (b) 3. b or 4, 71.28 (7) (b) 3. b or 4 or 71.47 (6) (b) 3. b or 4, but that notification must be made within 6 years after the date that the physical work of construction, or destruction in preparation for construction, begins.

2. That the historic property is not in compliance with s. 71.07 (9r) (b) 3. c, 71.28 (7) (b) 3. c or 71.47 (6) (b) 3. c, but that notification must be made within 21 years after the date that the credit is claimed.

SECTION 2092. 71.75 (3) of the statutes is amended to read:

71.75 (3) No refund shall be made on the over-withholding or overpayment of estimated income taxes or franchise taxes with respect to any person for any income taxable year in an amount less than \$1.

SECTION 2093. 71.77 (2) of the statutes is amended to read:

71.77 (2) With respect to assessments of income received a tax or an assessment to recover all or part of any tax credit under this chapter in any calendar year or corresponding fiscal year, notice shall be given within 4 years of the date the income tax or franchise tax return was filed.

SECTION 2095. 71.80 (3) of the statutes is amended to read:

71.80 (3) CREDITING OF OVERPAYMENTS ON INDIVIDUAL OR SEPARATE RETURNS. In the case of any overpayment, ~~homestead or farmland preservation~~ refundable credit or refund on an individual or separate return, the department of revenue, within the applicable period of limitations, may credit the amount of overpayment, ~~homestead or farmland preservation~~ refundable credit or refund including any

interest allowed, against any liability in respect to any tax collected by the department, a debt under s. 71.93 or a certification under s. 46.255 on the part of the person who made the overpayment or received the ~~homestead and farmland preservation credits~~ refundable credit or the refund and shall refund any balance to the person. The department shall presume that the overpayment, ~~homestead and farmland preservation credits~~ refundable credit or refund is nonmarital property of the filer. Within 2 years after the crediting, the spouse or former spouse of the person filing the return may file a claim for a refund of amounts credited by the department if the spouse or former spouse shows by clear and convincing evidence that all or part of the state tax overpayment, ~~homestead and farmland preservation credits~~ refundable credit or refund was nonmarital property of the nonobligated spouse.

SECTION 2096. 71.80 (3m) (intro.) of the statutes is amended to read:

71.80 (3m) CREDITING OF OVERPAYMENTS ON JOINT RETURNS. (intro.) For married persons, unless within 20 days after the date of the notice under par. (c) the nonobligated spouse shows by clear and convincing evidence that the overpayment, ~~homestead or farmland preservation~~ refundable credit or refund is the nonmarital property of the nonobligated spouse, notwithstanding s. 766.55 (2) (d), the department of revenue may credit overpayments, ~~homestead and farmland preservation~~ refundable credits and refunds, including any interest allowed, resulting from joint returns under this chapter as follows:

SECTION 2097. 71.82 (1) (c) of the statutes is amended to read:

71.82 (1) (c) Any assessment made as a result of the adjustment or disallowance of a claim for credit under s. 71.07 (3m) or (6), 71.28 (1) or (2m) or 71.47 (1) or (2m) or subch. VIII or IX, except as provided in sub. (2) (c), shall bear interest at 12% per year from the due date of the claim.

SECTION 2098. 71.82 (2) (c) of the statutes is amended to read:

71.82 (2) (c) *Adjustment to credits.* Any assessment made as a result of the disallowance of a claim for credit made under s. 71.07 (3m) or (6), 71.28 (1) or (2m) or 71.47 (1) or (2m) or subch. VIII or IX with fraudulent intent, or of a portion of a claim made under said subchapters or sections that was excessive and was negligently prepared, shall bear interest from the due date of the claim, until refunded or paid, at the rate of 1.5% per month.

SECTION 2099. 71.83 (1) (a) 2 of the statutes is amended to read:

71.83 (1) (a) 2. 'Incomplete or incorrect return.' If any person required under this chapter to file an income or franchise tax return files an incomplete or incorrect return, unless it is shown that such filing was due to good cause and not due to neglect, there shall be added to such person's tax for the ~~income~~ taxable year 25% of the amount otherwise payable on any

income subsequently discovered or reported. The amount so added shall be assessed, levied and collected in the same manner as additional normal income or franchise taxes, and shall be in addition to any other penalties imposed by this chapter. In this subdivision, "return" includes a separate return filed by a spouse with respect to a taxable year for which a joint return is filed under s. 71.03 (2) (g) to (L) after the filing of that separate return, and a joint return filed by the spouses with respect to a taxable year for which a separate return is filed under s. 71.03 (2) (m) after the filing of that joint return.

SECTION 2099m. 71.83 (1) (a) 6 of the statutes is amended to read:

71.83 (1) (a) 6. 'Retirement plans.' Any natural person who is liable for a penalty for federal income tax purposes under section 72 (q) and (t), ~~408 (f), 4973, 4974 or 4975 or 4980A~~ of the internal revenue code ~~or section 1133 of the tax reform act of 1986~~ is liable for 33% of the federal penalty. The penalties provided under this subdivision shall be assessed, levied and collected in the same manner as income taxes.

SECTION 2100. 71.83 (2) (b) 4 of the statutes is amended to read:

71.83 (2) (b) 4. 'Fraudulent claim for credit.' The claimant who filed a claim for credit under s. 71.07 (3m) or (6), 71.28 (1) or (2m) or 71.47 (1) or (2m) or subch. VIII or IX that is false or excessive and was filed with fraudulent intent and any person who assisted in the preparation or filing of the false or excessive claim or supplied information upon which the false or excessive claim was prepared, with fraudulent intent, may be fined not to exceed \$10,000 or imprisoned for not to exceed 5 years or both, together with the cost of prosecution.

SECTION 2100m. 71.84 (2) of the statutes is renumbered 71.84 (2) (a) and amended to read:

71.84 (2) (a) Except as provided in s. 71.29 (7), in the case of any underpayment of estimated tax under s. 71.29 or 71.48 there shall be added to the aggregate tax for the taxable year interest at the rate of 12% per year on the amount of the underpayment for the period of the underpayment. ~~In this subsection~~ For corporations, except as provided in par. (b), "period of the underpayment" means the time period from the due date of the instalment until either the 15th day of the 3rd month beginning after the end of the taxable year or the date of payment, whichever is earlier. Any ~~estimated taxes~~ If 90% of the tax shown on the return is not paid by the 15th day of the 3rd month following the close of the taxable year, the difference between that amount and the estimated taxes paid, along with any interest due, shall accrue delinquent interest under s. 71.91 (1) (a).

SECTION 2100p. 71.84 (2) (b) of the statutes is created to read:

71.84 (2) (b) For corporations that are subject to a tax under this chapter on unrelated business taxable income, as defined under section 512 of the internal

revenue code, and virtually exempt entities, "period of the underpayment" means the time period from the due date of the instalment until either the 15th day of the 5th month beginning after the end of the taxable year or the date of payment, whichever is earlier. If 90% of the tax shown on the return is not paid by the 15th day of the 5th month following the close of the taxable year, the difference between that amount and the estimated taxes paid along with any interest due, shall accrue delinquent interest under s. 71.91 (1) (a).

SECTION 2101. 71.88 (1) (b) of the statutes is amended to read:

71.88 (1) (b) *Contested adjustments to credits.* Any person feeling aggrieved by the determination made by the department to adjust the credit claimed under s. 71.07 (3m) or (6), 71.28 (1) or (2m) or 71.47 (1) or (2m) or subch. VIII or IX may, within 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 under s. 71.74 (11). If no timely petition for redetermination is filed with the department, its determination shall be final and conclusive.

SECTION 2102. 71.88 (2) (b) of the statutes is amended to read:

71.88 (2) (b) *Appeal of department's redetermination of credits.* Any person aggrieved by the department of revenue's redetermination under s. 71.07 (3m) or (6), 71.28 (1) or (2m) or 71.47 (1) or (2m) or subch. VIII or IX, except when the denial is based upon late filing of claim for credit or is based upon a redetermination under s. 71.55 (8) of rent constituting property taxes accrued as at arm's length, may appeal the redetermination to the tax appeals commission by filing a petition with the commission within 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) does not apply.

SECTION 2102b. 71.91 (6) (a) 4 of the statutes is amended to read:

71.91 (6) (a) 4. "Taxes" means the principal ~~amount of the tax~~ as defined in ~~s. 71.92 (1) sub. (5) (k)~~, interest, penalties and costs.

SECTION 2102c. 71.92 (1) of the statutes is repealed.

SECTION 2102f. 71.92 (7) of the statutes is renumbered 71.91 (5) (k) and amended to read:

71.91 (5) (k) All payments made on delinquencies shall be applied first in discharging costs, penalties and interest and the balance applied on the principal of the tax. In this paragraph, "principal of the tax" means the tax and interest added to it under ss. 71.03 (7), 71.24 (7), 71.44 (3) and 71.82.

SECTION 2102g. 71.93 (1) (a) of the statutes is amended to read:

71.93 (1) (a) "Debt" means any amount owed to a state agency that has been reduced to a judgment and any delinquent child support or spousal support obligation that has been reduced to a judgment and has been submitted by an agency of another state to the department of health and social services for certification under this section.

SECTION 2102k. 71.93 (1) (b) of the statutes is amended to read:

71.93 (1) (b) "Debtor" means any person owing a debt to a state agency and any person who owes a delinquent child support or spousal support obligation to an agency of another state.

SECTION 2102p. 71.93 (2) of the statutes is amended to read:

71.93 (2) CERTIFICATION. A state agency may certify to the department for setoff any properly identified debt exceeding \$20. The department of health and social services may certify to the department for setoff any properly identified debt exceeding \$20 that is a delinquent child support or spousal support obligation submitted by an agency of another state. At least 30 days prior to certification each debtor shall be sent a notice by the state agency of its intent to certify the debt to the department for setoff and of the debtor's right of appeal. At the time of certification, the certifying state agency shall furnish the social security number of individual debtors and the federal employer identification number of other debtors.

SECTION 2102t. 71.93 (3) of the statutes is amended to read:

71.93 (3) ADMINISTRATION. In administering this section the department shall first check with the state agency certifying the debt to determine whether the debt has been collected by other means. If the debt remains uncollected the department of revenue shall setoff any debt or other amount owed to the department, regardless of the origin of the debt or of the amount, its nature or its date. If after the setoff there remains a refund in excess of \$10, the department shall set off the remaining refund against certified debts of other state agencies. If more than one certified debt exists for any debtor, the refund shall be first set off against the earliest debt certified, except that no child support or spousal support obligation submitted by an agency of another state may be set off until all debts owed to and certified by state agencies of this state have been set off. When all debts have been satisfied ~~in order based on the date certified~~, any remaining refund shall be refunded to the debtor by the department.

SECTION 2104. 72.01 (17) of the statutes is amended to read:

72.01 (17) "Power of appointment" means any general power to appoint, as defined by section 2041 (relating to estate taxes) or 2514 (relating to gift taxes) of the internal revenue code, as amended to December 31, ~~1987~~ 1988. Amendments to the internal revenue

code enacted after December 31, ~~1987~~ 1988, do not apply to this subsection ~~with respect to taxable year 1988 and thereafter.~~

SECTION 2105. 72.12 (4) (c) 1 of the statutes is amended to read:

72.12 (4) (c) 1. Benefits paid to a beneficiary under an employe benefit plan are taxable under this subchapter except to the extent that the proportionate share resulting from the employer's contribution would be excludable from the gross estate of the decedent under section 2039 of the internal revenue code as amended to December 31, ~~1987~~ 1988. Amendments to the internal revenue code enacted after December 31, ~~1987~~ 1988, do not apply to this subdivision ~~with respect to taxable year 1988 and thereafter.~~ This subsection applies whether or not there is a requirement for filing a federal estate tax return.

SECTION 2106. 72.22 (4) (a) of the statutes is amended to read:

72.22 (4) (a) Whether or not there is a federal estate tax liability, 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 the estate would be authorized to pay federal estate taxes under section 6166 of the internal revenue code as amended to December 31, ~~1987~~ 1988. Amendments to the internal revenue code enacted after December 31, ~~1987~~ 1988, do not apply to this paragraph ~~with respect to taxable year 1988 and thereafter.~~ 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 12% per year.

SECTION 2107. 72.76 (4) of the statutes is amended to read:

72.76 (4) An employer transfers amounts to a former employe's distributee or estate, ~~which amounts that qualify as an employe death benefit taxable as income under the internal revenue code of 1954, as amended to December 31, 1988, or excludable from gross income under section 101 (b) of the internal revenue code s. 101 (b) as amended to December 31, 1988.~~

SECTION 2109. 73.01 (4) (e) 1 of the statutes is amended to read:

73.01 (4) (e) 1. Except as provided in subd. 2, the department shall be deemed to acquiesce in the construction so adopted unless the department seeks review of the order or decision of the commission so construing the statute. For purposes of this subdivision, the department has sought review of the order or

decision if it seeks review and later settles the case or withdraws its petition for review or if the merits of the case are for other reasons not determined by judicial review. The construction so acquiesced in shall thereafter be followed by the department.

SECTION 2110. 73.01 (4) (i) of the statutes is amended to read:

73.01 (4) (i) If the department of revenue assesses under s. ~~71.11 (21) (f)~~ 71.74 (9), the commission shall consolidate the appeals of that assessment.

SECTION 2111. 73.03 (20) of the statutes is amended to read:

73.03 (20) To investigate all delinquent personal property, and income taxes and surtaxes in the ~~several counties of the state~~ and the possibility of the collection ~~thereof of them~~ and to require taxing officials, including town treasurers, county treasurers, sheriffs and district attorneys ~~of their respective counties,~~ to institute proceedings, actions and prosecutions for the collection of ~~such~~ delinquent taxes ~~to the end so that the amount of such delinquent taxes shall be reduced to the minimum.~~ In carrying out ~~the provisions of this subsection the department of revenue is empowered to~~ may examine or cause to be examined by any agent, employe or representative designated by it for that purpose, any books, papers, records or memoranda of any corporation, copartnership or individual, bearing upon the matter of the collection of any such delinquent taxes, and may require the attendance of the officials of any corporation, or of any other person having knowledge in the premises, and may take testimony and require proof material for their information upon any matter that they may deem of value for the purpose of enforcing the payment of such delinquent taxes. Said The department of revenue is further empowered to do and may also perform such other duties and adopt such other procedure as procedures that may be necessary to carry out the provisions of this subsection, and to direct that proceedings, actions and prosecutions be instituted to enforce the laws relating to the collection of such delinquent taxes of every kind and nature, to. To this end, the department of justice shall, upon the request of the department of revenue, conduct such actions, proceedings, or prosecutions, or assist the local town, city, village or county officials ~~therein in them or assist the district attorneys.~~

SECTION 2112. 73.03 (20) of the statutes, as affected by 1987 Wisconsin Act 27 and 1989 Wisconsin Act (this act), is repealed and recreated to read:

73.03 (20) To investigate all delinquent personal property, death and income taxes and surtaxes in the state and the possibility of the collection of them and to require taxing officials, including town treasurers, county treasurers, sheriffs and district attorneys, to institute proceedings, actions and prosecutions for the collection of delinquent taxes so that the amount of delinquent taxes shall be reduced to the minimum. In carrying out this subsection the department of revenue may examine or cause to be examined by any agent,

employee or representative designated by it for that purpose, any books, papers, records or memoranda of any corporation, copartnership or individual bearing upon the collection of any delinquent taxes and may require the attendance of the officials of any corporation or of any other person having knowledge in the premises and may take testimony and require proof material for their information upon any matter that they deem of value for the purpose of enforcing the payment of delinquent taxes. The department of revenue may also perform other duties and adopt other procedures that may be necessary to carry out this subsection and direct that proceedings, actions and prosecutions be instituted to enforce the laws relating to the collection of delinquent taxes of every kind. To this end, the department of justice shall, upon the request of the department of revenue, conduct such actions, proceedings or prosecutions or assist the local town, city, village or county officials in them or assist the district attorneys.

SECTION 2113. 73.03 (27) (e) of the statutes is amended to read:

73.03 (27) (e) When delinquent 10 years or more, or when delinquent 6 years or more in the case of a default or an estimated assessment.

SECTION 2114. 73.03 (33) of the statutes is amended to read:

73.03 (33) To collect an administrative fee of \$3 determined by the department, but not more than the amount charged for filing and docketing warrants under s. 814.61 (5), each time the department issues a warrant under s. 71.13 (3) (a) 71.91 (5) (a), from the person against whom the warrant is filed.

SECTION 2115. 73.03 (35) of the statutes is repealed and recreated to read:

73.03 (35) To deny a portion of a credit claimed under s. 71.07 (2di), (2dj), (2dL) or (2ds), 71.28 (1di), (1dj), (1dL), (1ds) or (4) (am) or 71.47 (1di), (1dj), (1dL), (1ds) or (3) (am) if granting the full amount claimed would violate the requirement under s. 560.75 (9) or would bring the total of the credits granted to that claimant under that subsection, or the total of the credits granted to that claimant under all of those subsections, over the limit for that claimant under s. 560.768.

SECTION 2116. 73.03 (37) of the statutes is created to read:

73.03 (37) To make refunds in connection with motor vehicles returned to the manufacturers by a consumer, as provided under s. 218.015 (2) (e) and (f).

SECTION 2117. 73.03 (38) of the statutes is amended to read:

73.03 (38) To require each operator of a swap meet, flea market, craft fair or similar event, as defined by rule, to report to the department the name, address, social security number and, if available, the seller's permit number of each vendor selling merchandise at the swap meet, flea market, craft fair or similar event

that he or she operates. If any operator fails to comply with the requirements under this subsection, the department of revenue, after notifying that operator of its intent to do so, shall impose a penalty of \$200 for the first failure and \$500 for each subsequent failure. The department shall assess and collect the penalties under this subsection as it assesses and collects additional income and franchise taxes.

SECTION 2119m. 73.12 (4) of the statutes is amended to read:

73.12 (4) APPLICATION OF PROCEEDS. Upon notice under sub. (3), the department of revenue shall reduce on its books the liability of the vendor by the amount set off. The department shall reduce the principal amount of tax liability and related amounts beginning with the liability of longest standing and proceeding chronologically to the most recent liability. In respect to each principal amount of liability and related amounts, the department of revenue shall reduce amounts in the order provided in s. 71.92 (7) 71.91 (5) (k).

SECTION 2120g. 74.09 (2m) of the statutes is created to read:

74.09 (2m) REDUCTION OF COUNTY TAXES FOR WIND EROSION. Upon receipt of the notice from the county clerk under s. 92.103 (1) (b) 1, the clerk of the taxation district shall reduce the portion of the county's share of the total bill by the amount awarded under s. 92.103 (1) (b) 1 for each taxpayer awarded a credit.

SECTION 2131. 76.02 (9) of the statutes is amended to read:

76.02 (9) "Company", without other designation or qualification, includes any railroad company, any conservation and regulation company, any express company, any air carrier company, any pipeline company and any sleeping car company, as defined in this section, to which "company" is applied.

SECTION 2132. 76.07 (3) of the statutes is amended to read:

76.07 (3) ASSESSMENT. For the purpose of determining the full market value of the property of each company appearing on the assessment roll, the department may view and inspect the property of such company and shall consider the reports filed in compliance with s. 76.04 and the reports and returns of the company filed in the office of any officer of this state, and other evidence or information bearing upon the full market value of the property of the company assessed. In case of companies which own or use property lying partly within and partly without the state, the department shall value and assess only the property within this state. ~~In determining the value of the portion within the state the department may take into consideration the value of the entire system, the mileage of the whole system and of the part within this state, together with such other information, facts and circumstances as will enable it to make a substantially just and correct determination, using the methods~~

under subs. (4g) and (4r). When the full market value of the property of a company within this state has been determined, the amount shall be entered upon the assessment roll opposite the name of the company and shall be the assessment of the entire property of such company within this state for the levy of taxes thereon, subject to review and correction. The department shall thereupon give notice by registered mail to each company assessed of the amount of its assessment as entered upon such roll.

SECTION 2133. 76.07 (4r) of the statutes is created to read:

76.07 (4r) ADJUSTMENT OF FACTORS. In making the determinations under sub. (4g), the department may adjust any factor or use any other factor in order to reflect more accurately the company's property in this state if in the department's judgment the factor or combination of factors does not produce a substantially just and correct determination or if during the 12 months preceding the assessment date any of the following conditions applies:

(a) The company began operating in this state and the results of its operations during the first year materially distort the allocation of property to this state.

(b) The company's service was interrupted so that the allocation of property to this state is materially distorted.

(c) The company acquired or disposed of assets having a substantial value that are situated so as materially to distort the allocation of property to this state.

(d) Another event occurred which materially distorted the allocation of property to this state.

SECTION 2134. 76.075 of the statutes is created to read:

76.075 Adjustments of assessments. Within 4 years after the due date, or extended due date, of the report under s. 76.04, any person subject to taxation under this subchapter may request the department to make, or the department may make, an adjustment to the data under s. 76.07 (4g) or (4r) submitted by the person. If an adjustment under this section results in an increase in the tax due under this subchapter, the person shall pay the amount of the tax increase plus interest on that amount at the rate of 1% per month from the due date or extended due date of the report under s. 76.04 until the date of final determination and interest at the rate of 1.5% per month from the date of final determination until the date of payment. If an adjustment under this section results in a decrease in the tax due under this subchapter, the department shall refund the appropriate amount plus interest at the rate of 0.75% per month from the due date or extended due date under s. 76.04 until the date of refund. Sections 71.74 (1) and (2) and 71.75 (6) and (7), as they apply to income and franchise tax adjustments, apply to adjustments under this section. Review of the adjustments is as stated in s. 76.08.

SECTION 2135. 76.08 (1) of the statutes is amended to read:

76.08 (1) Notice of the assessments determined under s. 76.07 and of adjustments under s. 76.075 shall be given by certified mail to each company, the property of which has been assessed, and the notice of assessment shall be mailed on or before the assessment date specified in s. 76.07 (1). Any company aggrieved by the assessment or adjustment of its property thus made may have its assessment or adjustment redetermined by the Dane county circuit court if within 30 days after notice of assessment or adjustment is mailed to the company under s. 76.07 (3) an action for the redetermination is commenced by filing a summons and complaint with that court, and service of authenticated copies of the summons and complaint is made upon the department of revenue. No answer need be filed by the department and the allegations of the complaint in opposition to the assessment or adjustment shall be deemed denied. Upon the filing of the summons and complaint the court shall set the matter for hearing without a jury. If the plaintiff fails to file the summons and complaint within 5 days of service upon the department, the department may file a copy thereof with the court in lieu of the original. The department may be named as the defendant in any such action and shall appear and be represented by its counsel in all proceedings connected with the action but, on the request of the secretary of revenue, the attorney general may participate with or serve in lieu of departmental counsel. In an action for redetermination of an adjustment, only the issues raised in the department's adjustment under s. 76.075 may be raised.

SECTION 2137m. 76.38 (3) of the statutes is amended to read:

76.38 (3) On or before May 1 the department shall compute and assess the license fees imposed by subs. (4), (5), (5m) and (6), with respect to gross revenues of the preceding calendar year and on or before May 1 shall notify each person that was carrying on business as a telephone company on the preceding January 1 of the amount of the license fee assessed. Any person who pays the May 1 assessment in full has a license to carry on business as a telephone company in this state for the 12-month period beginning on the preceding January 1. The fees assessed by the department shall become delinquent if not paid when due, and when delinquent shall be subject to interest at the rate of 1.5% per month until paid. The department shall transmit all funds received under this section to the state treasurer within 15 days after receipt. The payment dates provided for in sub. (3a) shall apply.

SECTION 2138. 76.38 (4) of the statutes is repealed and recreated to read:

76.38 (4) Every telephone company operating one or more telephone exchanges shall pay an annual license fee equal to the following percentages of the total gross revenues in this state from each exchange for local and rural exchange service:

(a) For fees assessed on May 1, 1990:

1. If the total of those gross revenues is less than \$10,000, 2.813%.
2. If the total of those gross revenues is at least \$10,000 but less than \$75,000, 3.375%.
3. If the total of those gross revenues is at least \$75,000 but less than \$150,000, 4.5%.
4. If the total of those gross revenues is at least \$150,000 but less than \$500,000, 5.625%.
5. If the total of those gross revenues is at least \$500,000, 5.75%.

(b) For fees assessed on May 1, 1991:

1. If the total of those gross revenues is less than \$10,000, 2.813%.
2. If the total of those gross revenues is at least \$10,000 but less than \$75,000, 3.375%.
3. If the total of those gross revenues is at least \$75,000 but less than \$150,000, 4.5%.
4. If the total of those gross revenues is at least \$150,000 but less than \$500,000, 5.625%.
5. If the total of those gross revenues is at least \$500,000, 5.65%.

(c) For fees assessed May 1, 1992, and thereafter:

1. If the total of those gross revenues is less than \$10,000, 2.813%.
2. If the total of those gross revenues is at least \$10,000 but less than \$75,000, 3.375%.
3. If the total of those gross revenues is at least \$75,000 but less than \$150,000, 4.5%.
4. If the total of those gross revenues is at least \$150,000, 5.6%.

SECTION 2139g. 76.38 (5) (intro.) of the statutes is amended to read:

76.38 (5) (intro.) Every telephone company operating a toll line or toll lines or furnishing toll service that is under the jurisdiction of the federal communications commission and that by the May 1990 assessment has not requested from that commission permission to reduce the surcharge by at least 3.5 percentage points in addition to any reduction resulting from the application of the rate schedule under sub. (5m) and every telephone company operating a toll line or toll lines or furnishing toll service that is not under the jurisdiction of the federal communications commission that by the May 1990 assessment has not reduced its surcharge by 3.5 percentage points in addition to any reduction resulting from application of the rate schedule under sub. (5m) shall pay an annual license fee to be computed upon toll business gross revenues as follows:

Vetoed
in Part

Vetoed
in Part

SECTION 2139r. 76.38 (5m) of the statutes is created to read:

76.38 (5m) Every telephone company operating a toll line or toll lines or furnishing toll service that is not subject to the rates under sub. (5) shall pay an annual license fee to be computed upon toll business gross revenues as follows:

(a) For fees assessed on May 1, 1990:

1. If the total of those gross revenues is less than \$25,000, 2.813%.
2. If the total of those gross revenues is at least \$25,000 but less than \$50,000, 3.375%.
3. If the total of those gross revenues is at least \$50,000 but less than \$75,000, 3.938%.
4. If the total of those gross revenues is at least \$75,000 but less than \$100,000, 4.5%.
5. If the total of those gross revenues is at least \$100,000 but less than \$200,000, 5.063%.
6. If the total of those gross revenues is at least \$200,000 but less than \$300,000, 5.625%.
7. If the total of those gross revenues is at least \$300,000 but less than \$400,000, 6.188%.
8. If the total of those gross revenues is at least \$400,000 but less than \$500,000, 6.75%.
9. If the total of those gross revenues is at least \$500,000 but less than \$600,000, 7.313%.
10. If the total of those gross revenues is at least \$600,000 but less than \$700,000, 7.875%.
11. If the total of those gross revenues is at least \$700,000, 7.975%.

(b) For fees assessed on May 1, 1991:

1. If the total of those gross revenues is less than \$25,000, 2.813%.
2. If the total of those gross revenues is at least \$25,000 but less than \$50,000, 3.375%.
3. If the total of those gross revenues is at least \$50,000 but less than \$75,000, 3.938%.
4. If the total of those gross revenues is at least \$75,000 but less than \$100,000, 4.5%.
5. If the total of those gross revenues is at least \$100,000 but less than \$200,000, 5.063%.
6. If the total of those gross revenues is at least \$200,000 but less than \$300,000, 5.625%.
7. If the total of those gross revenues is at least \$300,000 but less than \$400,000, 6.188%.
8. If the total of those gross revenues is at least \$400,000 but less than \$500,000, 6.75%.
9. If the total of those gross revenues is at least \$500,000 but less than \$600,000, 7.313%.
10. If the total of those gross revenues is at least \$600,000, but less than \$700,000, 7.875%.
11. If the total of those gross revenues is at least \$700,000, 7.9%.

(c) For fees assessed on May 1, 1992, and thereafter:

1. If the total of those gross revenues is less than \$25,000, 2.813%.
2. If the total of those gross revenues is at least \$25,000 but less than \$50,000, 3.375%.
3. If the total of those gross revenues is at least \$50,000 but less than \$75,000, 3.938%.
4. If the total of those gross revenues is at least \$75,000 but less than \$100,000, 4.5%.

5. If the total of those gross revenues is at least \$100,000 but less than \$200,000, 5.063%.

6. If the total of those gross revenues is at least \$200,000 but less than \$300,000, 5.625%.

7. If the total of those gross revenues is at least \$300,000 but less than \$400,000, 6.188%.

8. If the total of those gross revenues is at least \$400,000 but less than \$500,000, 6.75%.

9. If the total of those gross revenues is at least \$500,000 but less than \$600,000, 7.313%.

10. If the total of those gross revenues is at least \$600,000, 7.8%.

SECTION 2140. 76.38 (7) of the statutes is amended to read:

76.38 (7) Any net decrease in a telephone company's tax under this section because of changes to ~~sub. sub. (1) (ae) and (b) under 1987 Wisconsin Act 27, section 1564cm, and sub. (4) (e) made by under 1987 Wisconsin Act 27, section 1567m,~~ shall be reflected in rates charged to the company's customers, as determined by the appropriate regulatory agency.

SECTION 2141. 76.38 (7m) of the statutes is created to read:

76.38 (7m) The legislature intends that telecommunications companies pass on to their customers, in the form of rate reductions and surcharge reductions, the tax reductions created by the treatment of sub. (4) under 1989 Wisconsin Act (this act), section 2138, and of sub. (5m) under 1989 Wisconsin Act (this act), section 2139r.

SECTION 2142. 76.60 of the statutes is amended to read:

76.60 Fire and marine insurers; license fees. Every insurer doing a fire or marine insurance business, other than domestic insurers and insurers excepted under s. 76.61, shall pay to the state, in respect to marine insurance a tax of ~~5%~~ 0.5% and in respect to fire insurance a tax of 2.375% on the amount of ~~the its~~ gross premiums received for direct insurance, ~~less return premiums and cancellations on direct insurance, by the insurer during each calendar year in this state. Direct insurance includes all insurance other than reinsurance, as calculated under s. 76.62.~~ In case any insurer discontinues business in this state and reinsures the whole or a part of its risks without making payment of this tax, the insurer accepting such reinsurance shall pay the tax. If several insurers make such reinsurance the tax shall be apportioned ~~between~~ among the insurers in proportion to the original premiums upon the business in this state; so reinsured by each such insurer. Upon the payment of the tax provided in this section, and the fees required by s. 601.31, such insurer may be licensed to transact its business until May 1 in the ensuing year, unless ~~sooner~~ before ~~then its license is revoked or forfeited according to law.~~

SECTION 2143. 76.62 of the statutes is amended to read:

76.62 License fees; calculation of. All license fees and taxes levied under any provision of law upon gross premiums other than life insurance premiums against any insurer shall be uniformly calculated on the amount of gross premiums received for direct insurance less return premiums and cancellations and returns from savings and gains on ~~direct insurance~~ all insurance other than reinsurance by the insurer during the preceding year in this state.

SECTION 2144. 76.63 of the statutes is amended to read:

76.63 Casualty insurance; license fees. (1) Every insurer doing a casualty or surety business, other than domestic insurers and insurers exempted under s. 76.61, shall pay to the state 2% ~~upon the of its gross premiums during each calendar year, as calculated under s. 76.62,~~ on all policies or contracts which have been written on the lives of residents or on property in this state.

(2) Every domestic stock insurer which insures against financial loss by reason of nonpayment of principal, interest and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust or other instrument constituting a lien or charge on real estate shall pay to the state on or before March 1 in each year 2% ~~upon the of its gross premiums received during the preceding year, as calculated under s. 76.62,~~ on all policies or contracts which have been written on the lives of residents or on property in this state.

SECTION 2145. 76.64 of the statutes is amended to read:

76.64 Quarterly instalments. Payments of quarterly Insurers shall pay instalments of the total estimated payment for the ~~then current calendar year~~ under ss. 76.60, 76.63 and, 76.65 are due and 76.66 on or before April 15, June 15, September 15 and December 15. Every insurer shall make ~~an annual~~ a return for the preceding calendar year on or before March 1 setting forth the information that the commissioner of insurance reasonably requires, on forms prescribed by the commissioner. On or before March 1, the insurer shall pay any additional amount due for the preceding calendar year. Overpayment will be credited on the amount due April 15.

SECTION 2146. 76.66 of the statutes is repealed and recreated to read:

76.66 Retaliatory taxation of nondomestic insurers. (1) In this section, "taxes" means the taxes imposed on nondomestic insurers under ss. 76.60, 76.63, 76.65 (2) and 601.93 less offsets allowed against those taxes under s. 646.51 (7) or the amounts imposed on domestic insurers by another state or foreign country for similar purposes.

(2) If another state or foreign country requires a domestic insurer doing business in that state or country to pay taxes greater in the aggregate than the aggregate amount of taxes that a nondomestic insurer

doing business in this state would pay, each insurer domiciled in that state or foreign country shall pay to this state for the same year the amount that a domestic insurer doing a similar business would be required to pay to the other state or foreign country.

SECTION 2147. 76.67 of the statutes is repealed and recreated to read:

76.67 Reciprocal taxation of foreign insurers. (1) In this section, "taxes" means the taxes imposed on foreign insurers under ss. 76.60, 76.63, 76.65 (2) and 601.93 less offsets allowed against those taxes under s. 646.51 (7) or the amounts imposed on domestic insurers by another state for similar purposes.

(2) If any domestic insurer is licensed to transact insurance business in another state, this state may not require similar insurers domiciled in that other state to pay taxes greater in the aggregate than the aggregate amount of taxes that a domestic insurer is required to pay to that other state for the same year, except that the amount imposed shall not be less than the total of the amounts due under ss. 76.65 (2) and 601.93 and, if the insurer is subject to s. 76.60, 0.375% of its gross premiums, as calculated under s. 76.62, less offsets allowed under s. 646.51 (7) against that total.

SECTION 2147g. 77.03 of the statutes is amended to read:

77.03 Taxation of forest croplands. After the filing of the order with the officers under s. 77.02 (3) the lands described therein shall be "Forest Croplands", on which taxes shall thereafter be payable only as provided under this subchapter. The enactment of ss. 77.01 to 77.14, petition by the owner and the making of the order under s. 77.02 (3) shall constitute a contract between the state and the owner, running with the lands, for a period of 25 or 50 years at the election of the applicant at the time the petition is filed, unless withdrawn under s. 77.10, with privilege of renewal by mutual agreement between the owner and the state, whereby the state as an inducement to owners and prospective purchasers of forest croplands to come under ss. 77.01 to 77.14 agrees that, unless withdrawn under s. 77.10, no change in or repeal of ss. 77.01 to 77.14 shall apply to any land then accepted as forest croplands, except as the department of natural resources and the owner may expressly agree in writing and except as provided in s. 77.17. If at the end of the contract period the land is not designated as managed forest land under subch. VI, the merchantable timber on the land shall be estimated by an estimator jointly agreed upon by the department of natural resources and the owner, and if the department and the owner fail to agree on an estimator, the judge of the circuit court of the district in which the lands lie shall appoint a qualified forester, whose estimate shall be final, and the cost thereof shall be borne jointly by the department of natural resources and the owner; and the 10% severance tax paid on the stumpage thereon in the same manner as if said stumpage had been cut. The owners by such contract consent that

the public may hunt and fish on the lands, subject to such rules as the department of natural resources prescribes regulating hunting and fishing.

SECTION 2147r. 77.17 of the statutes is created to read:

77.17 Contracts for land in the lower Wisconsin state riverway. An owner of timber that is exempt under s. 30.44 (3) (c) 1 shall comply with a rule regulating timber cutting and harvesting promulgated under s. 30.42 (1) (d):

(1) If the rule is not inconsistent with the contract entered into under s. 77.03 or 77.16 (4); or

(2) If the owner agrees to modify the contract entered into under s. 77.03 or 77.16 (4) to require compliance with the rules.

SECTION 2148. 77.21 (1) of the statutes is amended to read:

77.21 (1) "Conveyance" includes deeds and other instruments for the passage of ownership interests in real estate, including contracts and assignments of a vendee's interest therein and including leases for at least 99 years but excluding easements, wills or leases for less than 99 years, easements and wills.

SECTION 2149. 77.21 (1m) of the statutes is created to read:

77.21 (1m) "Real estate" includes, but is not limited to, fixtures; roots, vines and trees of perennial crops; stock in a cooperative building; improvements on leased land; timber; and minerals.

SECTION 2150. 77.22 (1) (a) of the statutes is amended to read:

77.22 (1) (a) There is imposed on the grantor of real estate a real estate transfer fee at the rate of 30 cents for each \$100 of value or fraction thereof on every conveyance not exempted or excluded under this subchapter. This fee shall be collected by the register at the time the instrument of conveyance is submitted for recording. Except as provided in s. 77.255, at the time of submission the grantee or his or her duly authorized agent or other person acquiring an ownership interest under the instrument, or the clerk of court in the case of a foreclosure under s. 846.16 (1), shall execute a return, signed by both grantor and grantee, on the form prescribed under par. (b). The register shall enter the fee paid on the face of the deed or other instrument of conveyance before recording, and, except as provided in s. 77.255, submission of a completed real estate transfer return and collection by the register of the fee shall be prerequisites to acceptance of the conveyance for recording. The register shall have no duty to determine either the correct value of the real estate transferred or the validity of any exemption or exclusion claimed. If the transfer is not subject to a fee as provided in this subchapter, the reason for exemption shall be stated on the face of the conveyance to be recorded by reference to the proper subsection under s. 77.25. All returns related to conveyances exempt from the fee need not report the

value of the ownership transferred except conveyances exempt under sub. (2) (a) and s. 77.25 (8).

SECTION 2151. 77.51 (4) (a) 4 of the statutes is amended to read:

77.51 (4) (a) 4. Any tax included in or added to the purchase price, including the taxes imposed by ss. 78.01, 78.40, 139.02, 139.03 and 139.31, the federal motor fuel tax and any manufacturers' or importers' excise tax; but not including any tax imposed by the United States, any other tax imposed by this state or any tax imposed by any municipality of this state upon or with respect to retail sales whether imposed upon the retailer or the consumer if measured by a stated percentage of sales price or gross receipts or the federal communications tax imposed upon the services set forth in s. 77.52 (2) (a) ~~3 and 4~~ 5. For purposes of the sales tax, if a retailer establishes to the satisfaction of the department that the sales tax imposed by this subchapter has been added to the total amount of the sales price and has not been absorbed by the retailer, the total amount of the sales price shall be the amount received exclusive of the sales tax imposed. For the purpose of this subdivision, a tax shall be deemed "imposed upon or with respect to retail sales" only if the retailer is the person who is required to make the payment of the tax to the governmental unit levying the tax.

SECTION 2151m. 77.51 (4) (c) 6 of the statutes is created to read:

77.51 (4) (c) 6. Charges associated with time-share property that is taxable under s. 77.52 (2) (a) 1 or 2.

SECTION 2153. 77.51 (15) (a) 4 of the statutes is amended to read:

77.51 (15) (a) 4. Any tax included in or added to the purchase price including the taxes imposed by ss. 78.01, 78.40, 139.02, 139.03 and 139.31 and the federal motor fuel tax and including also any manufacturers' or importers' excise tax; but not including any tax imposed by the United States, any other tax imposed by this state, or any tax imposed by any municipality of this state upon or with respect to retail sales whether imposed on the retailer or consumer, if measured by a stated percentage of sales price or gross receipts, and not including the federal communications tax imposed upon the services set forth in s. 77.52 (2) (a) ~~3 and 4~~ 5. For the purpose of this subdivision, a tax shall be deemed "imposed upon or with respect to retail sales" only if the retailer is the person who is required to make the payment of the tax to the governmental unit levying the tax.

SECTION 2153m. 77.52 (2) (a) 1 of the statutes is amended to read:

77.52 (2) (a) 1. The furnishing of rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. ~~As used in this paragraph, including the furnishing of rooms or lodging through the sale of a time-share~~

property, as defined in s. 707.02 (32), if the use of the rooms or lodging is not fixed at the time of sale as to the starting day or the lodging unit. In this subdivision, "transient" means any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodations available to the public. ~~As used in this paragraph~~ In this subdivision, "hotel" or "motel" means a building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other building or group of buildings in which accommodations are available to the public, except accommodations, including mobile homes as defined in s. 66.058 (1) (d), rented for a continuous period of more than one month and accommodations furnished by any hospitals, sanatoriums, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.

SECTION 2154. 77.52 (2) (a) 3 of the statutes is repealed.

SECTION 2155. 77.52 (2) (a) 4 of the statutes is repealed.

SECTION 2156. 77.52 (2) (a) 5 of the statutes is created to read:

77.52 (2) (a) 5. The sale of telecommunication services of whatever nature, not including services paid for by the insertion of coins in a coin-operated telephone but including any services connected with the transmission of voice, sound, vision, information, data or material including connection, move and change charges; whether transmitted by wire, microwave, satellite or other means; including interstate services originating in this state and charged to a subscriber or telephone located in this state.

SECTION 2158. 77.54 (3) of the statutes is renumbered 77.54 (3) (a) and amended to read:

77.54 (3) (a) The gross receipts from the sales of and the storage, use or other consumption of tractors and machines, including accessories, attachments, fuel and parts therefor, used exclusively and directly in the business of farming, including dairy farming, agriculture, horticulture or floriculture and custom farming services, but excluding automobiles, trucks, and other motor vehicles for highway use, ~~when engaged in by the purchaser or user as a business enterprise, but the purchaser of property exempt under this subsection shall be liable for the sales tax under s. 77.57 at the time any more than nominal other use, including job contracting other than the performance of farm services by one farmer for another with machinery customarily used by the performing farmer in his own farming operation, is made of such property; exclud-~~

Vetoed
in Part

ing personal property that is attached to, fastened to, connected to or built into real property or that becomes an addition to, component of or capital improvement of real property and excluding tangible personal property used or consumed in the erection of buildings or in the alteration, repair or improvement of real property, regardless of any contribution that that personal property makes to the production process in that building or real property and regardless of the extent to which that personal property functions as a machine. For purposes of this subsection, the property under s. 70.111 (10) (c) 1 to 11 retains its character as tangible personal property regardless of the extent to which it is fastened to, connected to or built into real property.

SECTION 2159. 77.54 (3) (b) of the statutes is created to read:

77.54 (3) (b) In par. (a).

1. "Building" has the meaning given under s. 70.111 (10) (a) 1.

2. "Machine" means an assemblage of parts that transmits force, motion and energy from one part to another in a predetermined manner.

3. "Used exclusively" means used to the exclusion of all other uses except for other use not exceeding 5% of total use.

SECTION 2159g. 77.54 (3) (c) of the statutes is created to read:

77.54 (3) (c) For purposes of this subsection, the following items retain their character as tangible personal property, regardless of the extent to which they are fastened to, connected to or built into real property:

1. Auxiliary power generators.
2. Bale loaders.
3. Barn cleaners and elevators.
4. Conveyors.
5. Feed elevators and augers.
6. Grain dryers and grinders.
7. Milk coolers.
8. Milking machines; including piping, pipeline washers and compressors.
9. Powered feeders, excluding platforms and troughs constructed from ordinary building materials.
10. ~~For and bottom~~ silo unloaders.

Vetoed
in Part

SECTION 2159r. 77.54 (6r) of the statutes is created to read:

77.54 (6r) The exemption under sub. (6) shall be strictly construed.

SECTION 2166. 77.54 (7) of the statutes is amended to read:

77.54 (7) The occasional sales of tangible personal property and services and the storage, use or other consumption in this state of tangible personal property, the transfer of which to the purchaser is an occasional sale. This exemption shall, in the case of motor vehicles, snowmobiles, mobile homes not exceeding 45

feet in length, trailers, semitrailers, all-terrain vehicles or aircraft registered or titled, or required to be registered or titled, in this state, and boats registered or titled, or required to be registered or titled, in this state or under the laws of the United States, be limited to motor vehicles, boats, snowmobiles, mobile homes not exceeding 45 feet in length, trailers, semitrailers, all-terrain vehicles or aircraft transferred to the spouse, parent or child of the transferor, and to motor vehicles transferred from the transferor's individual ownership to a corporation owned solely by the transferor, and then only if the motor vehicle, snowmobile, mobile home not exceeding 45 feet in length, trailer, semitrailer, all-terrain vehicle or aircraft has been previously registered or titled in this state or in the case of boats, registered or titled under the laws of this state or the United States, in the name of the transferor and the person selling is not engaged in the business of selling the type of property for which exemption is claimed. This The exemption under this subsection does not apply to gross receipts from the sale of bingo supplies to players or to the sale, rental or use of regular bingo cards, extra regular cards and special bingo cards. The exemption under this subsection does not apply to sales by a nonprofit organization.

SECTION 2167. 77.54 (7m) of the statutes is amended to read:

77.54 (7m) Occasional sales of tangible personal property or services, including but not limited to admissions or tickets to an event; by a neighborhood association, church, civic group, garden club, social club or similar nonprofit organization; not involving professional entertainment; for which payment in the aggregate exceeds \$300 for performing or as reimbursement of expenses unless access to the event may be obtained without payment of a direct or indirect admission fee or unless the funds are raised by a nonprofit service club on one occasion annually for charitable, philanthropic or community service purposes; conducted by the organization if the organization is not engaged in a trade or business and is not required to have a seller's permit. For purposes of this subsection, an organization is engaged in a trade or business and is required to have a seller's permit if its sales of tangible personal property or and services, not including sales of tickets to events, or if and its events occur on more than 20 days during the year, unless its receipts do not exceed \$15,000 during the year gross receipts, other than receipts that are exempt under this subchapter excluding this subsection, from sales of tangible personal property and services and sales of tickets to events exceed \$15,000 during the year. The exemption under this subsection does not apply to gross receipts from the sale of bingo supplies to players or to the sale, rental or use of regular bingo cards, extra regular cards and special bingo cards.

Vetoed
in Part

Vetoed
in Part

SECTION 2168. 77.54 (10) of the statutes is amended to read:

77.54 (10) The gross receipts from the sale of all admission fees ~~or~~, admission stickers or camping fees under s. 27.01 (7) to (9) (11) and all admission fees to any museum operated by a nonprofit corporation under a lease agreement with the state historical society.

SECTION 2168m. 77.54 (22) (f) of the statutes is created to read:

77.54 (22) (f) Antiembolism elastic hose and stockings that are prescribed by a physician and sold to the ultimate consumer.

SECTION 2169. 77.56 (3) of the statutes is created to read:

77.56 (3) The donation to an entity specified under s. 77.54 (9a) of property that has been purchased tax-free for resale or upon the presentation of a valid exemption certificate is exempt from the use tax.

SECTION 2170. 77.61 (11) of the statutes is amended to read:

77.61 (11) Any city, village or town clerk or other official whose duty it is to issue licenses or permits to engage in a business involving the sale at retail of tangible personal property subject to tax under this subchapter, or the furnishing of services so subject to tax, shall, before issuing such license or permit, require proof that the person to whom such license or permit is to be issued is the holder of a seller's permit as required by this subchapter or has applied to the department of revenue for such permit been informed by an employe of the department that the department will issue a seller's permit to that person.

SECTION 2170b. 77.82 (11) of the statutes is amended to read:

77.82 (11) DURATION. An order under this subchapter remains in effect for the period specified in the petition unless the land is withdrawn under s. 77.84 (3) (b) or 77.88. An amendment to or repeal of this subchapter does not affect the terms of an order or management plan, except as expressly agreed to in writing by the owner and the department and except as provided in sub. (11m).

SECTION 2170r. 77.82 (11m) of the statutes is created to read:

77.82 (11m) ORDERS FOR THE LAND IN THE LOWER WISCONSIN STATE RIVERWAY. An owner of timber that is exempt under s. 30.44 (3) (c) 2 shall comply with a rule regulating timber cutting and harvesting promulgated under s. 30.42 (1) (d):

(a) If the rule is not inconsistent with the order issued under sub. (8); or

(b) If the owner agrees to amend the order issued under sub. (8) to require compliance with the rules.

SECTION 2171. 78.01 (2) (f) of the statutes is created to read:

78.01 (2) (f) Motor fuel sold to a general aviation fuel dealer licensed under s. 78.56 for use in an aircraft, as defined in s. 78.55 (2), and delivered directly

into the dealer's storage tank in a volume of at least 100 gallons.

SECTION 2172. 78.20 (1) of the statutes is renumbered 78.20 (1m).

SECTION 2173. 78.20 (1) of the statutes is created to read:

78.20 (1) In this section, "invoice" means the top copy and not a carbon copy.

SECTION 2174. 78.20 (3) of the statutes is amended to read:

78.20 (3) The supplier shall furnish each retailer with ~~the original an~~ an invoice prepared at the time of delivery, and the retailer shall send ~~such original that~~ invoice or a list of purchases to the department when making claim for refund. ~~The term "original invoice", as used herein, means the top copy and not a duplicate original or carbon copy of the original invoice. The original supplier shall ensure that the invoice shall be printed or rubber stamped with the words "Original Invoice" and shall in addition contain~~ contains the following information: 1- date of sale, 2- name and address of supplier, 3- name and address of retailer (, which name must be the name of the claimant and be uniform on all invoices), 4- number of gallons purchased and the price per gallon, 5- and the amount of Wisconsin motor fuel tax as a separate item, 6- ~~receipt for payment. Double faced carbon paper shall be used between the original invoice and the first carbon copy unless such invoice is upon a special paper or product approved in advance by the department as affording protection equivalent to double faced carbon paper.~~ A. If the retailer sends invoices to the department, the retailer shall send a separate original invoice shall be used for each sale and delivery. The original and each invoice shall be legibly written and the supplier shall comply with the foregoing requirements. If the retailer sends a list of purchases to the department, the retailer shall retain for 3 years the invoices that are evidence of those purchases and allow the department to inspect them.

SECTION 2175. 78.20 (4) of the statutes is amended to read:

78.20 (4) On the filing of ~~such a~~ a claim under sub. (3), accompanied by the ~~paid original invoice or a list of purchases~~, the department shall determine the amount of refund due. The department may make such investigation of the correctness of the facts stated in such claim as it deems necessary. When the department has approved such claim it shall pay the claimant the reimbursement herein provided out of the moneys collected under this chapter to be used for carrying out this section ~~and shall return to the retailer said original invoice at the time of said payment.~~ No claim for refund shall be denied or the payment thereof withheld for failure of the ~~original invoice or list of purchases~~ to show the amount of the Wisconsin motor fuel tax as a separate item if the amount of such tax is determinable from the information stated on the original invoice or list of purchases.

SECTION 2175b. 78.73 (1) (d) of the statutes is amended to read:

78.73 (1) (d) Uses a false or fictitious name or gives a false or fictitious address in any application or form required by this chapter ~~or s. 341.45~~, or otherwise commits a fraud in any application, record, report or claim for refund;

SECTION 2176. 78.73 (1) (dm) of the statutes is amended to read:

78.73 (1) (dm) Presents an exemption certificate under s. 78.01 (2) (e) or 78.40 (2) (d), or obtains motor fuel tax-free under s. 78.01 (2) (f), and uses the fuel obtained tax-free on the basis of the certificate in a manner other than the manner for which the certificate was issued;

SECTION 2177. 78.73 (1) (dr) of the statutes is created to read:

78.73 (1) (dr) Uses motor fuel purchased tax-free and obtained from the storage tank of a general aviation fuel dealer, as defined in s. 78.55 (4), in a motor vehicle for highway purposes;

SECTION 2177c. 78.73 (4) of the statutes is amended to read:

78.73 (4) FAILURE TO REPORT OR PAY. Any person who fails or refuses to make a report or payment as provided in this chapter ~~or s. 341.45~~ shall be fined not more than \$5,000 or imprisoned in the county jail for not more than one year or both.

SECTION 2178. 78.75 (1) (a) of the statutes is renumbered 78.75 (1m) (a), and 78.75 (1m) (a) 1, 2 and 3, as renumbered, are amended to read:

78.75 (1m) (a) 1. Except as provided under subds. 2 and 2m, 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 taxicab for the transportation of passengers, for the purpose of operating a motorboat exempt from registration as a motor vehicle under s. 341.05 (20) on privately owned land or for any purpose other than operating a motor vehicle upon the public highways, shall be reimbursed and repaid the amount of the tax paid upon making and filing a claim with the department if the claim is for the tax on 100 gallons or more.

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. 340.01 (58a), an aircraft, as defined under s. 78.55 (2), or a motorboat, as defined under s. 30.50 (6), unless the motorboat is exempt from registration as a motor vehicle under s. 341.05 (20), may not be reimbursed or repaid the amount of tax paid.

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 motor fuel used for motorboats, except motorboats exempt from registration as motor vehicles under s. 341.05 (20), or gas used for snowmobiles and that the estimated snowmobile gas tax payments

are used for snowmobile trails and areas. The forms shall indicate that refunds are not available for gas used for all-terrain vehicles unless the all-terrain vehicle is registered for private use under s. 23.33 (2) (d) and shall indicate that estimated all-terrain vehicle gas tax payments are used for all-terrain vehicle trails and areas. The forms shall also indicate that refunds are not available for the tax on less than 100 gallons. The department shall distribute forms in sufficient quantities to each county clerk.

SECTION 2179. 78.75 (1) (b) of the statutes is renumbered 78.75 (1m) (b).

SECTION 2180. 78.75 (1) (c) of the statutes is renumbered 78.75 (1m) (c) and amended to read:

78.75 (1m) (c) The seller, upon request, shall furnish each purchaser with ~~the original~~ an invoice prepared at the time of delivery, and the purchaser shall send ~~such original that invoice~~ or a list of purchases to the department when making a claim for refund. ~~The term "original invoice", as used herein, means the top copy and not a duplicate original or carbon copy of the original invoice.~~ The original invoice shall be printed or rubber stamped with the words "Original Invoice" and shall in addition contain the following information: date of sale; name and address of seller; name and address of purchaser (, which name must be the name of the claimant); number of gallons purchased and the price per gallon; the type of fuel; the purchase price; and the amount of Wisconsin motor fuel or special fuel tax paid as a separate item, ~~and receipt for payment.~~ ~~Double faced carbon paper shall be used between the original invoice and the first carbon copy unless such invoice is upon a special paper or product approved in advance by the department as affording protection equivalent to double faced carbon paper.~~ A. If the purchaser sends invoices to the department, the purchaser shall send a separate original invoice must be used for each sale and delivery. The original, and the invoice shall be legibly written and shall comply with the foregoing requirements. If the purchaser sends a list of purchases to the department, the purchaser shall retain for 3 years the invoices that are evidence of those purchases and allow the department to inspect them. The claim shall state whether or not the applicant owns an automobile or truck or any other motor-driven machinery or appliance which consumes motor fuel or special fuel; the total number of gallons of motor fuel or special fuel purchased; the number of gallons of such motor fuel or special fuel purchased on which refund is claimed; a detailed statement of the consumption of such motor fuel or special fuel on which refund is claimed, describing the machinery, equipment or appliance in which consumed, giving the serial or manufacturer's number of the motor and the approximate number of gallons consumed in each; or if such fuel were not consumed in any such machinery, equipment or appliance, then a description of the purposes for which the fuel was consumed with the

approximate number of gallons consumed for each purpose; a statement whether or not deduction has been made for motor fuel or special fuel consumed in applicant's automobile or truck; and such other information as the department deems necessary.

SECTION 2181. 78.75 (1) (d) of the statutes is repealed.

SECTION 2182. 78.75 (1) (e) of the statutes is renumbered 78.75 (1m) (e) and amended to read:

78.75 (1m) (e) On the filing of such a claim under par. (a), accompanied by the paid original invoice or list of purchases, the department shall determine the amount of refund due. The department may make such investigation of the correctness of the facts stated in such claim as it deems necessary and may require a claimant to submit records to substantiate his the claim. When the department has approved such claim, it shall pay the claimant the reimbursement herein provided, out of the moneys collected under this chapter to be used for carrying out this section. No refund shall be claimed by or allowed to any person on account of any motor fuel or special fuel carried from this state in the ordinary fuel tank of a motor vehicle.

SECTION 2183. 78.75 (1) (f) of the statutes is renumbered 78.75 (1m) (f).

SECTION 2184. 78.75 (1) of the statutes is created to read:

78.75 (1) In this section, "invoice" means the top copy and not a carbon copy.

SECTION 2184g. 78.79 of the statutes is amended to read:

78.79 Duty of department to enforce fuel tax provisions; promulgate rules. The department shall enforce this chapter ~~and those violations of s. 341.45 (1g) and (1m) which are reported to the department by the department of transportation~~ and see that all violations thereof are promptly prosecuted, and that all moneys received by licensees and other persons and in their hands as trust funds and due the state are recovered and collected. The department may promulgate reasonable rules relating to the administration and enforcement of this chapter, and rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings. ~~The department shall consult and cooperate with the department of transportation in the enforcement of s. 341.45 (1g) and (1m).~~

SECTION 2185. Subchapter I (title) of chapter 79 of the statutes is repealed and recreated to read:

CHAPTER 79

SUBCHAPTER I

MUNICIPAL AND COUNTY SHARED REVENUE

(to precede s. 79.005)

~~SECTION 2185m. 79.005 (1) of the statutes is amended to read:~~

~~79.005 (1) "Municipality" means any town, village or city in this state. Where a municipality is located in more than one county, the portion thereof in each~~

~~county shall be considered a separate municipality; payments under this subchapter shall be computed using data that treats the municipality as a whole.~~

Vetoed
in Part

SECTION 2191m. 79.03 (3) (b) 4. (intro.) of the statutes is amended to read:

79.03 (3) (b) 4. (intro.) "Local purpose revenues" means the sum of local general purpose taxes, regulation revenues, revenues for services to private parties by a county's or municipality's general operations or enterprises, revenue for sanitation services to private parties, special assessment revenues, tax base equalization aids and, for municipalities only, a proxy for private sewer service costs and a proxy for retail charges for fire protection purposes. In this subdivision:

~~SECTION 2191mc. 79.03 (3) (b) 4. (intro.) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:~~

Vetoed
in Part

~~79.03 (3) (b) 4. (intro.) "Local purpose revenues" means the sum of payments for municipal services by owners of tax-exempt property under s. 79.118, local general purpose taxes, regulation revenues, revenues for services to private parties by a county's or municipality's general operations or enterprises, revenue for sanitation services to private parties, special assessment revenues, tax base equalization aids and, for municipalities only, a proxy for private sewer service costs and a proxy for retail charges for fire protection purposes. In this subdivision:~~

~~SECTION 2191mr. 79.03 (3) (b) 4. a. of the statutes is amended to read:~~

~~79.03 (3) (b) 4. a. "Local general purpose taxes" means the portion of tax increments collected for payment to a municipality under s. 66.46 which is attributable to that municipality's own levy, general property taxes collected to finance the general purpose government but, property taxes collected for sewage and sanitary districts, mobile home fees, the proceeds of county sales and use taxes, the taxes collected under s. 66.735 and municipal and county vehicle registration fees under s. 341.35 (1).~~

Vetoed
in Part

SECTION 2191p. 79.03 (3) (b) 4. bm of the statutes is created to read:

79.03 (3) (b) 4. bm. "Proxy for retail charges for fire protection purposes", for any year used to calculate average local purpose revenues, equals the number of months in that year for which a municipality did not pay retail charges associated with water for public fire protection purposes to a public utility under s. 196.03 (3) (b), multiplied by one-twelfth of the total retail charges associated with water for public fire protection purposes, but not included in general service charges, that the municipality paid to a public utility during the most recent 12-month period in which all retail charges associated with public fire protection purposes were paid by the municipality.

SECTION 2191pq. 79.03 (3) (b) 4. e of the statutes is amended to read:

Vetoed
in Part

79.03 (3) (b) 4. e. "Revenues for services to private parties by a county's or municipality's general operations or enterprises" means revenues collected from private parties for the following services: general government services consisting of license publication fees, sale of publications, clerk's fees and treasurer's fees; public safety services, consisting of police or sheriff's department fees, fire department fees and ambulance fees; inspection services, consisting of building, electrical, heat, plumbing, elevator and weights and measures; sidewalk replacement or construction fees, storm sewer construction fees, street lighting fees; parking ramps, meters and lot fees, except that fees collected from a parking ramp or lot funded under s. 23.09 (25) (e), 1987 stats., are excluded until the county or municipality has foregone total payments under this section and s. 79.06 in an amount equal to the funds received under s. 23.09 (25) (e), 1987 stats., for the parking ramp or lot; library fines or fees; and museum and zoo users or admission fees.

Vetoed in Part SECTION 2191r. 79.03 (3) (d) of the statutes is repealed.

SECTION 2192. 79.03 (4) of the statutes is amended to read:

79.03 (4) ~~In 1988, the total amount to be distributed under this subchapter from the appropriation under s. 20.835 (1) (d) is \$791,360,000. In 1989 and thereafter, the total amount to be distributed under this subchapter from s. 20.835 (1) (d) is \$807,360,000. In 1990, the total amount to be distributed under this subchapter from s. 20.835 (1) (d) is \$835,580,000. In 1991 and thereafter, the total amount to be distributed under this subchapter from s. 20.835 (1) (d) is \$869,000,000.~~

SECTION 2194g. 79.04 (1) (intro.) of the statutes is amended to read:

79.04 (1) (intro.) Annually the department of administration, upon certification by the department of revenue, shall distribute to a municipality having within its boundaries a production plant or a general structure, including production plants and general structures under construction, used by a light, heat or power company assessed under s. 76.28 (2) except those described in s. 66.069 (2) or by an electric cooperative assessed under ss. 76.07 and 76.48, respectively, ~~the following amounts amount determined as follows~~, except that no distribution shall be made for a production plant if the municipality received a distribution under sub. (3), pertaining to the same production plant:

SECTION 2194m. 79.04 (1) (b) of the statutes is created to read:

79.04 (1) (b) 1. Beginning with the distribution under this subsection in 1991, the amount determined under par. (a) to value property used by a light, heat or power company in a municipality may not be less than the amount determined to value the property for

the distribution to the municipality under this subsection in 1990, subject to subds. 2 and 3.

2. When a light, heat or power company no longer uses property described under par. (a) as production plant or general structure in a municipality, the amount established under subd. 1 shall be reduced by the proportion that the property that is no longer used bears to the total value of all property described in par. (a) in the municipality. The proportion shall be determined according to the proportional value of the property when the light, heat or power company stops using the property.

3. The amount of a distribution under this paragraph, as affected by subd. 1, may not exceed the per capita amount established under par. (a).

SECTION 2194r. 79.04 (2) (am) of the statutes is created to read:

79.04 (2) (am) 1. Beginning with the distribution under this subsection in 1991, the amount determined under par. (a) to value property used by a light, heat or power company in a county may not be less than the amount determined to value the property for the distribution to the county under this subsection in 1990, subject to subds. 2 and 3.

2. When a light, heat or power company no longer uses property described under par. (a) as production plant or general structure in a county, the amount established under subd. 1 shall be reduced by the proportion that the property that is no longer used bears to the total value of all property described in par. (a) in the county. The proportion shall be determined according to the proportional value of the property when the light, heat or power company stops using the property.

3. The amount of a distribution under this paragraph, as affected by subd. 1, may not exceed the per capita amount established under par. (a).

SECTION 2197b. 79.08 of the statutes is amended to read:

79.08 Corrections. If the department of administration or the department of revenue determines by August 15 of the year following any distribution under this subchapter that there was an overpayment or underpayment made in any certification by the department of revenue or resulting from populations changed as a result of a final court determination or a census determination under s. 16.96 (2) (dm) ~~or (e)~~ or in the distribution by the department of administration, the overpayment or underpayment shall be corrected as provided in this section. No corrections to the elements of any distribution may be made after August 15 of the year following the distribution. Any overpayment shall be corrected by reducing the subsequent year's distribution under the appropriate section of this subchapter. Any underpayment shall be corrected by increasing the subsequent year's distribution under the appropriate section of this subchapter. Corrections shall be made in the distributions to all

municipalities and counties affected by the error. Corrections shall be without interest. When the sum of all underpayments and overpayments results in a net underpayment, the net underpayment shall be paid from the appropriation under s. 20.835 (1) (e). When the sum of all underpayments and overpayments results in a net overpayment, the net overpayment shall be returned to the general fund.

SECTION 2198g. 84.01 (29) of the statutes is created to read:

Vetoed
in Part

84.01 (29) PLANTING OF TREES. The department shall by rule establish procedures ~~and a timetable~~ for increasing the number of hardy and aesthetically pleasing trees planted on ~~all~~ state trunk highway rights-of-way ~~and on land adjacent to or in close proximity to state trunk highway rights-of-way~~, while maintaining highway safety.

Vetoed
in Part

Vetoed
in Part

~~SECTION 2198gm. 84.01 (30) of the statutes is created to read.~~

~~84.01 (30) KEWAUNEE TO LUDINGTON, MICHIGAN, CAR FERRY ROUTE NAMED. The department shall name the Keweenaw to Ludington, Michigan, car ferry route "Highway 29 East Route". The department shall place highway signs at the car ferry dock and at other places so identifying the car ferry route.~~

SECTION 2198hb. 84.013 (1) (a) (intro.) of the statutes is amended to read:

84.013 (1) (a) (intro.) "Major highway project" means a project, except a project providing an approach to a bridge over a river that forms a boundary of the state, which has a total cost of more than \$5,000,000 and which involves either of the following:

SECTION 2198hd. 84.013 (3) (xb) to (xy) of the statutes are created to read:

Vetoed
in Part

84.013 (3) (xb) USH 151 between the south interchange with STH 73 south of Columbus and ~~the CTH "D" interchange at Beaver Dam, in Columbia and Dodge counties.~~

~~(xc) STH 151 from STH 26 at Waupun to USH 41 at Fond du Lac, in Fond du Lac county.~~

(xf) STH 35 extending between STH 35 southeast of River Falls and STH 35 north of River Falls as a bypass, and including STH 35 between Division street in River Falls to the northerly bypass connection, designated as the River Falls beltline, in Pierce and St. Croix counties.

(xo) STH 124 between USH 12 on the west side of Eau Claire and USH 53 on the east side of Eau Claire, designated as the North crossing, in Eau Claire county.

(xs) USH 61/151 between the Sandy Hook interchange and Dickeyville in Grant county.

(xw) STH 26 between approximately 1.0 mile south of Fort Atkinson and 1.0 mile north of Fort Atkinson, designated as the Fort Atkinson bypass, in Jefferson county.

(xy) USH 41 between Abrams and Oconto in Oconto county.

SECTION 2198he. 84.013 (3) (y) of the statutes is created to read:

84.013 (3) (y) STH 60 between USH 41 and Hartford, in Washington county.

SECTION 2198hg. 84.013 (3) (yb) to (z) of the statutes are created to read:

84.013 (3) (yb) USH 41 between the STH 114 Breezewood Lane interchange in Neenah and the CTH "OO" interchange west of Appleton, in Winnebago and Outagamie counties.

(yd) STH 29 between Green Bay and Chippewa Falls, in Brown, Shawano, Marathon, Clark and Chippewa counties.

(ye) USH 10 between Appleton and Marshfield, in Outagamie, Waupaca, Portage and Wood counties.

(yf) STH 54 between Wisconsin Rapids and Plover, in Wood and Portage counties.

(yk) USH 53 between Trego and approximately 4.0 miles north of CTH "A" in Solon Springs, in Douglas and Washburn counties.

(yo) STH 50 between approximately 1.0 mile east of Slades Corners and STH 83, designated as the New Munster bypass, in Kenosha county.

(ys) USH 51 between the Business 51 interchange north of Merrill and CTH "S" south of Tomahawk, in Lincoln county.

(yw) STH 29 between STH 29 west of Chippewa Falls and STH 29 east of Chippewa Falls, designated as the Chippewa Falls bypass, in Chippewa county.

(yy) USH 18/151 approximately between CTH "G" west of Verona and Nesbitt road east of Verona, designated as the Verona bypass, in Dane county.

(z) STH 36 between Burlington and STH 100, in Racine, Waukesha and Milwaukee counties.

~~SECTION 2198hgc. 84.013 (5) of the statutes is amended to read:~~

~~84.013 (5) Commencing with the 1985-87 biennial budget bill and biennially thereafter. In each biennial budget bill relating to transportation, the department shall request adjustments to the list of major highway projects under sub. (3) as listed projects are completed, projects are approved under sub. (6) and new projects are ready for construction. The department shall submit the proposed biennial adjustments for major highway projects to the transportation projects commission for review and recommendation as provided under s. 13.489. This subsection does not apply after June 30, 1993.~~

~~SECTION 2198hgsm. 84.013 (5) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:~~

~~84.013 (5) In each the biennial budget bill relating to transportation, the department shall request adjustments to the list of major highway projects under sub. (3) as listed projects are completed, projects are approved under sub. (6) and new projects are ready for construction. The department shall submit the proposed biennial adjustments for major highway~~

Vetoed
in Part

projects to the transportation projects commission for review and recommendation as provided under s. 13.489. ~~This subsection does not apply~~ applies only after June 30, 1993.

SECTION 2198hgd. 84.013 (6) of the statutes is amended to read:

Vetoed
in Part

84.013 (6) If following the enactment of the last biennial budget bill act in each fiscal biennium the department determines that a highway project which was initially planned or designed as a reconditioning, reconstruction or resurfacing project is a major highway project and is ready for construction, the department shall submit the proposal for the specific project to the transportation projects commission for review and recommendation as provided under s. 13.489. After the transportation projects commission has submitted its report on the project, the department may request approval of the specific project as a major highway project from the joint committee on finance. If the joint committee on finance approves the project, the committee shall make such transfer of funds among the highway appropriations as deemed necessary and the department may proceed with construction. This subsection does not apply after June 30, 1993.

SECTION 2198hgd.m. 84.013 (6) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

84.013 (6) If following the enactment of the last biennial budget act in each fiscal biennium the department determines that a highway project which was initially planned or designed as a reconditioning, reconstruction or resurfacing project is a major highway project and is ready for construction, the department shall submit the proposal for the specific project to the transportation projects commission for review and recommendation as provided under s. 13.489. After the transportation projects commission has submitted its report on the project, the department may request approval of the specific project as a major highway project from the joint committee on finance. If the joint committee on finance approves the project, the committee shall make such transfer of funds among the highway appropriations as deemed necessary and the department may proceed with construction. This subsection does not apply after June 30, 1993.

SECTION 2198hgf. 84.013 (8) of the statutes is repeated.

Vetoed
in Part

SECTION 2198hgfa. 84.013 (8m) of the statutes is created to read:

84.013 (8m) No state or federal funds appropriated for the department may be expended for any highway construction, reconstruction or reconditioning that results in additional lanes on STH 145 between North 19th street and North 35th street in Milwaukee county and that relocates or displaces in whole or in part a

minority-owned firm that owns commercial property of 6 acres or more unless:

(a) The department condemns or otherwise acquires commercial property of equal or greater value to the land that is taken by the state from the minority-owned firm for the purpose of constructing additional lanes on STH 145 between North 19th street and North 35th street that is adjacent to the property taken.

(b) The department transfers the property condemned or otherwise acquired to the minority-owned firm; and

(c) The joint committee on finance approves both the proposed final plan for the reconstruction of STH 145 between North 19th street and North 35th street and the compensation provided to the minority-owned firm required under pars. (a) and (b).

SECTION 2198hgm. 84.02 (5) (a) of the statutes is amended to read:

84.02 (5) (a) As often as it deems necessary, the department shall publish highway service maps showing the state trunk highway system and such other main highways and other features as may seem desirable. Such highway service maps shall be sold by the department at a price to be fixed by it, which shall be not less than cost. The department may permit the use of the base plates for other maps and publications in consideration of a fair fee for such use. The department shall make and publish or duplicate such highway service maps as are required for its use, and shall publish folded highway maps of Wisconsin for free distribution to the public. The department shall ensure that the folded highway maps bear information regarding the requirements of s. 347.48 (4).

SECTION 2198hgn. 84.02 (13) of the statutes is created to read:

84.02 (13) PRIORITY. The department shall give high priority to the completion of the STH 28/USH 41 interchange in Washington county as part of the USH 41 corridor project.

SECTION 2198hh. 84.06 (2) of the statutes is renumbered 84.06 (2) (a) and amended to read:

84.06 (2) (a) All such highway improvements shall be executed by contract based on bids unless the department finds that another method as provided in sub. (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in the manner determined by the department. Except as provided in s. 84.075, the contract shall be awarded to the lowest competent and responsible bidder as determined by the department. If the bid of the lowest competent bidder is determined by the department to be in excess of the estimated reasonable value of the work or not in the public interest, all bids may be rejected. The department shall, so far as reasonable, follow uniform methods of advertising for bids and may prescribe and require uniform forms of bids and contracts. Except as provided in par. (b), the secretary shall enter

Vetoed
in Part

into the contract on behalf of the state. Every such contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87 and 16.89, but ss. 16.528 and 16.754 apply to the contract. Any such contract involving an expenditure of \$1,000 or more shall not be valid until approved by the governor. The secretary may require the attorney general to examine any contract and any bond submitted in connection with the contract and report on its sufficiency of form and execution. The bond required by s. 779.14 (1m) (b) for any such contract involving an expenditure of less than \$1,000 is exempt from approval by the governor and shall be subject to approval by the secretary. This subsection also applies to contracts with private contractors based on bids for maintenance under s. 84.07.

SECTION 2198hj. 84.06 (2) (b) of the statutes is created to read:

84.06 (2) (b) The department may designate the governing body of a city, county, village or town as its agent on behalf of the state to perform those bidding and contracting responsibilities under par. (a) that the department determines are appropriate to delegate. An agent so designated who enters into a contract under this subsection shall do so on behalf of the department and the state, and the state shall be a party to the contract. Any such contract is subject to the conditions specified for contracts entered into by the secretary. The department may authorize an agent who is designated under this paragraph to perform bidding and contracting responsibilities under par. (a) to administer the resulting contract on behalf of the state.

SECTION 2198hm. 84.065 of the statutes is created to read:

84.065 Railroad and utility alteration and relocation loan program. (1) **PURPOSE.** The purpose of this section is to promote the state's interest in preserving and improving state trunk and connecting highways by means of a program to provide loans for railroad and public utility alterations and relocations associated with highway improvement projects.

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

(a) "Improvement" has the meaning given in s. 84.06 (1).

(b) "Public utility" has the meaning given in s. 196.01 (5).

(c) "Railroad" has the meaning given in s. 195.02 (1).

(3) **ADMINISTRATION.** The department shall administer a loan program to assist public utilities and railroads with the costs of utility and railroad alterations and relocations that are associated with state trunk and connecting highway improvement projects and that are not subject to reimbursement by the department. The department shall have all powers necessary and convenient to implement this section, including the following powers:

(a) To specify conditions of eligibility for loans under this section. Such conditions shall include the

requirement that the utility or railroad alteration or relocation must be part of a planned state trunk or connecting highway improvement project.

(b) To receive applications for loans under this section and to prescribe the form, nature and extent of the information which shall be contained in applications.

(c) To establish standards for the approval of loans under this section.

(d) To enter into loan agreements with applicants to ensure the proper use and prompt repayment of loans under this section. The loan agreement shall permit the loan to be repaid without interest before the date on which the contract for the improvement project with which the utility or railroad alteration is associated is awarded. The loan agreement shall require the payment of interest on the outstanding balance of any loan that is not repaid by the date on which that contract is awarded, accruing from the date on which that contract is awarded. Interest shall be charged at a rate equal to the weekly prime rate for the week prior to the date on which the contract is awarded, as reported by the federal reserve board in federal reserve statistical release H. 15, plus 1%. The loan agreement shall require repayment of the principal and payment of any accrued interest within one year of the date on which the contract is awarded.

(e) To audit and inspect the records of loan recipients.

(4) **FUNDS.** The department may make loans under this section from the appropriations under s. 20.395 (3) (bv), (cv), (dv) and (gv). The total outstanding balance of loans under this section may not exceed \$500,000.

(5) **RULES.** The department may promulgate rules as necessary to implement this section.

~~SECTION 2198hn. 84.076 (2) (a) of the statutes is amended to read:~~

~~84.076 (2) (a) The secretary shall administer a demonstration and training program for the purpose of developing the capability of disadvantaged businesses to participate in construction projects funded under s. 20.395 (3) (bq), (bv), (bx), (cq), (cv), (cx), (dq), (dv), (dx), (fq), (fv), (fx), (hq), (hv) and (hx). Beginning in fiscal year 1988-89, from the amounts appropriated under s. 20.395 (3) (bq), (bv), (bx), (cq), (cv), (cx), (dq), (dv), (dx), (fq), (fv), (fx), (hq), (hv) and (hx), the secretary shall allocate \$4,000,000 each fiscal year for the awarding of contracts under this section. The secretary shall attempt to ensure that 75% of the amount so allocated each fiscal year is for the awarding of contracts under this section to minority businesses and that at least 10% of the amount so allocated each fiscal year is for the programs specified under par. (b). The secretary may award 100% of the amount so allocated each fiscal year to one disadvantaged business.~~

SECTION 2198ho. 84.076 (5) of the statutes is created to read:

Vetoed
in Part

84.076 (5) SUNSET. This section does not apply after June 30, 1995.

SECTION 2198hp. 84.10 of the statutes is amended to read:

84.10 Maintenance and operation of bridges not on state trunks. The amount allocated therefor from s. 20.395 (3) (eq) shall be expended by the department for the maintenance and operation of bridges not on the state trunk highway system which were constructed, reconstructed, or purchased under ss. s. 84.11 before the effective date of this section [revisor inserts date], and under s. 84.12 and free bridges located in connecting highways in cities of the 4th class which have a length, not including approaches, of 300 feet or more, or a swing or lift span. All Except as provided in a jurisdictional transfer agreement under s. 84.16, all matters relating to the maintenance and operation of such bridges shall be under the control of the department. Maintenance and operation shall not include the roadway lighting system and shall not include snow and ice removal and control for bridges located on connecting highways. The department may arrange with any county highway committee or with any village or city for the operation or maintenance or both of any such bridge; and any county highway committee, village or city may enter into such arrangement.

SECTION 2198hr. 84.103 (1) (d) of the statutes is repealed.

SECTION 2198hrm. 84.103 (1m) of the statutes is created to read:

84.103 (1m) **WORLD WAR I VETERANS MEMORIAL HIGHWAY.** The department shall designate and mark STH 29 commencing at Kewaunee and proceeding westerly to the state line at Prescott as the "World War I Veterans Memorial Highway" as a living memorial to and in honor of all Wisconsin veterans, living and dead, of World War I.

SECTION 2198hs. 84.11 (title) of the statutes is amended to read:

84.11 (title) Local bridge construction and reconstruction.

SECTION 2198hv. 84.11 (1) of the statutes is created to read:

84.11 (1) **DEFINITIONS.** In this section:

(a) "Construction" includes reconstruction.

(b) "Local bridge" means a bridge which is not on the state trunk highway system or on marked routes of the state trunk highway system designated as connecting highways.

SECTION 2198hz. 84.11 (1) (intro.) of the statutes is renumbered 84.11 (1m) and amended to read:

84.11 (1m) (title) **ELIGIBILITY AND PROJECT EXTENT.** Bridge projects shall ~~Local bridges are eligible for construction under this section.~~ Projects under this section include all approaches and embankments, all acquisition of lands necessary for right-of-way right-of-way or other purposes, and all other necessary

appurtenances. The word "construction" as used in this section shall include reconstruction. ~~The following classes of bridge projects located wholly within the state shall be eligible to construction under the provisions of this section, provided that such eligibility shall not require that any such project be constructed under this section exclusively or bar any such eligible project from construction under any other provision of law that may be applicable:~~

SECTION 2198ib. 84.11 (1) (a) and (b) of the statutes are repealed.

SECTION 2198id. 84.11 (1g) of the statutes is created to read:

84.11 (1g) **ADMINISTRATION.** The department shall administer the local bridge construction program and shall have all powers necessary and convenient to implement this section.

SECTION 2198if. 84.11 (1r) of the statutes is created to read:

84.11 (1r) **RULES.** The department shall promulgate rules to implement this section. The rules shall include criteria for selecting and evaluating projects which are eligible for construction under this section.

SECTION 2198im. 84.11 (2) (a) of the statutes is renumbered 84.11 (2) and amended to read:

84.11 (2) **INITIATION OF PROCEEDINGS.** Proceedings for the construction of a bridge project under sub. (4) ~~(a) or (b) (1m)~~ may be initiated by a petition filed with the department. ~~Such~~ The petition shall state that the petitioner desires such construction, and the approximate location thereof, and ~~shall further state that, in the opinion of petitioner, such the construction is necessary and is a bridge project eligible for construction under this section.~~ ~~Such~~ The petition may be filed by any county, city, village or town ~~required to pay a portion of the cost of construction, in the case of a bridge project eligible under sub. (1) (a), or by any county, city, village or town in which a portion of the bridge project will be located in the case of a bridge project eligible to construction under sub. (1) (b).~~ Such. The petition shall be duly adopted by the governing body of the county, city, village or town, and a certified copy of the adopted petition shall be filed with the department.

SECTION 2198ip. 84.11 (2) (a) (title) of the statutes is repealed.

SECTION 2198ir. 84.11 (2) (b) of the statutes is repealed.

SECTION 2198it. 84.11 (3) of the statutes is amended to read:

84.11 (3) **HEARING.** Within 60 days of the receipt of a petition under sub. (2) ~~(a) or on its own motion,~~ the department shall fix a time and place for a hearing and give notice of the hearing by publication of a class 2 notice, under ch. 985, in the vicinity of the proposed bridge project. Notice shall also be given by registered letter addressed to the clerks of the counties, cities, villages and towns in which any part of the bridge project

will be located. The notice shall also be given to the secretary of natural resources either by registered mail or personally. The hearing may be held in any county, city, village or town in which any part of the bridge project will be located.

SECTION 2198iv. 84.11 (4) of the statutes is amended to read:

84.11 (4) FINDING, DETERMINATION AND ORDER. After such hearing the department shall make such investigation as it ~~shall deem~~ considers necessary in order to make a decision in the matter. If the department ~~shall find~~ finds that the construction is necessary it shall determine the location ~~thereof, and if of the project and whether the project as so located~~ is eligible to for construction under this section. The department shall also determine the character and kind of bridge most suitable for such location and estimate separately the cost of the bridge portion and the entire project. ~~In the case of projects eligible to construction under sub. (1) (a) the department shall also determine the respective portions of such estimated cost of the entire project to be paid by each county, city, village and town required to provide any portion thereof, and the portion to be paid by the state.~~ The department shall make its finding, determination and order, in writing, and file a certified copy thereof with the clerk of each county, city, village and town in which any portion of the bridge project will be located and also with the secretary of state and the state treasurer. The determination of the location of the project made by the department and set forth in its finding, determination and order, shall be conclusive as to such location and shall constitute full authority for laying out new streets or highways or for any relocations of highways made necessary for the construction of the project and for acquirement of any lands necessary for such streets or highways, relocation or construction. The estimate of cost made by the department shall be conclusive insofar as cost may determine eligibility of construction under this section.

SECTION 2198jb. 84.11 (5) (a) of the statutes is renumbered 84.11 (5) and amended to read:

84.11 (5) (title) APPORTIONMENT OF COST TO JUNE 30, 1993. The state shall pay 75% of the cost of projects eligible to construction constructed under sub. (1) (a) shall be borne as follows, but subject to par. (am): the state shall pay one-third, (1m), the county or counties in which the bridge project will be is located shall pay one-third 12.5%, and the one or more cities, villages and towns in which any part of such the bridge project will be is located shall pay one-third, provided, 12.5%, except that to the extent discretionary federal aid for highways allocated to Wisconsin is used to finance any portion of the cost of the project, the portion of the cost to be borne by the state, counties and local governmental units any county, city, village or town, respectively, shall be proportionately reduced. The portion to be paid by the counties shall be borne equally by the counties in which such the bridge

~~project will be is located; provided, except that no bridge project shall be considered as located within a county unless an entrance to the bridge proper shall be is wholly or partly within the limits of such that county. If a bridge project wholly within one county is located in more than one city, village or town, their respective portions of the cost shall be in proportion to their respective assessed valuations as last equalized by the county board prior to the date of the department's finding, determination and order. If such cities, villages or towns are located in more than one county, the portion of the cost paid by all cities, villages and towns shall first be apportioned equally according to the number of counties, and then to the cities, villages and towns in each county in proportion to their respective assessed valuations as hereinbefore provided in this subsection. This subsection does not apply after June 30, 1993.~~

SECTION 2198jd. 84.11 (5) (am) and (b) of the statutes are repealed.

SECTION 2198jf. 84.11 (5m) of the statutes is created to read:

84.11 (5m) APPORTIONMENT OF COST AFTER JUNE 30, 1993. The state shall pay one-third of the cost of projects constructed under sub. (1m), the county or counties in which the bridge project is located shall pay one-third, and the one or more cities, villages and towns in which any part of the bridge project is located shall pay one-third, except that to the extent discretionary federal aid for highways allocated to Wisconsin is used to finance any portion of the cost of the project, the portion of the cost to be borne by the state and any county, city, village or town, respectively, shall be proportionately reduced. The portion to be paid by the counties shall be borne equally by the counties in which the bridge project is located, except that no bridge project shall be considered as located within a county unless an entrance to the bridge proper is wholly or partly within the limits of that county. If a bridge project wholly within one county is located in more than one city, village or town, their respective portions of the cost shall be in proportion to their respective assessed valuations as last equalized by the county board prior to the date of the department's finding, determination and order. If such cities, villages or towns are located in more than one county, the portion of the cost paid by all cities, villages and towns shall first be apportioned equally according to the number of counties, and then to the cities, villages and towns in each county in proportion to their respective assessed valuations as provided in this subsection. This subsection applies after June 30, 1993.

SECTION 2198jk. 84.11 (6), (6a) and (7) of the statutes are amended to read:

84.11 (6) PROVISION OF PORTIONS OF COSTS BY LOCAL UNITS. ~~When If the department has made and filed its makes a finding, and determination and order favorable to the construction of any bridge project~~

under this section, ~~the~~ it shall issue an order to proceed with the project according to the priorities for projects established under sub. (1r). The governing body of each county, city, village and town required by ~~such~~ the order to pay a portion of the cost ~~in the case of bridge projects eligible to construction under sub. (1) (a) of the project~~ shall at its next regular or special meeting determine the method and initiate proceedings to provide such portion. Within 5 days after the adjournment of such meeting the governing body of any such city, village or town shall cause its clerk to certify the action of such governing body to the county clerk and the department. Within 5 days after the adjournment of such meeting of the county board the county clerk shall certify the action of the county board to the department. The governing body of any such county, city, village or town, in addition to the portion which it is by such order required to pay, and the governing body of any other county, city, village or town which will be especially benefited by the construction of such bridge may provide all or part of the portion which any county, city, village or town is by such order required to pay or which the state is required to pay. ~~In the case of projects eligible to construction under sub. (1) (b), when the department has made and filed its findings, determination and order favorable to such construction, the governing body of each county, city, village or town in which any part of the project will be located shall take action at its next regular or special meeting to determine what amount, if any, shall be offered and paid toward such construction and determine the method and initiate proceedings to provide any amount that shall be so determined. Such action shall be certified to the department within 5 days after such meeting.~~

(6a) COUNTY BOARD ACTION. If any city, village or town which is required by the order of the department to pay a portion of the cost of a bridge project ~~eligible to construction under sub. (1) (a) (1m)~~ fails to comply with sub. (6) and provide the portion of the cost which it is ~~by such order~~ required to pay, or if ~~such the~~ city, village or town does not hold a regular or special meeting within 30 days after the date of the department's finding, determination and order, the county board of the county in which ~~such the~~ city, village or town is located may take action to provide such portion, and to assess all or part thereof against ~~such the~~ city, village or town as a special tax, in one or more instalments as the county board determines. The county clerk shall certify ~~such the~~ tax or each instalment thereof ~~of the tax to the clerk of such the~~ city, village or town, who shall place it in the next tax roll; and it shall be levied, collected and paid into the county treasury as are other county taxes.

(7) (title) EXECUTION AND CONTROL OF WORK TO JUNE 30, 1993. Subject to the control and supervision over the navigable waters of the state conferred by law upon the department of natural resources, and the control exercised by the United States, the construc-

tion under this section of any bridge project shall be wholly under the supervision and control of the department. The secretary shall make and execute all contracts and have complete supervision over all matters pertaining to such construction and shall have the power to suspend or discontinue proceedings or construction relative to any bridge project at any time in the event any county, city, village or town fails to pay the amount required of it as to any project ~~eligible to construction under sub. (1) (a) or offered by it as to any project eligible to construction under sub. (1) (b) (1m)~~, or in the event the secretary determines that sufficient funds to pay the state's part of the cost of ~~such the~~ bridge project are not available. All moneys provided by counties, cities, villages and towns shall be deposited in the state treasury, when required by the secretary, and paid out on order of the secretary. Any of such moneys deposited for a project eligible ~~to for~~ construction under sub. ~~(1) (a) (1m)~~ which remain in the state treasury after the completion of ~~such the~~ project shall be repaid to the respective counties, cities, villages and towns in such amounts as to result in the distribution provided in sub. (5) ~~(a) and (am)~~. This subsection does not apply after June 30, 1993.

SECTION 2198jm. 84.11 (7m) of the statutes is created to read:

84.11 (7m) EXECUTION AND CONTROL OF WORK AFTER JUNE 30, 1993. Subject to the control and supervision over the navigable waters of the state conferred by law upon the department of natural resources, and the control exercised by the United States, the construction under this section of any bridge project shall be wholly under the supervision and control of the department. The secretary shall make and execute all contracts and have complete supervision over all matters pertaining to such construction and shall have the power to suspend or discontinue proceedings or construction relative to any bridge project at any time in the event any county, city, village or town fails to pay the amount required of it as to any project under sub. (1m), or in the event the secretary determines that sufficient funds to pay the state's part of the cost of the bridge project are not available. All moneys provided by counties, cities, villages and towns shall be deposited in the state treasury, when required by the secretary, and paid out on order of the secretary. Any of such moneys deposited for a project eligible for construction under sub. (1m) which remain in the state treasury after the completion of the project shall be repaid to the respective counties, cities, villages and towns in such amounts as to result in the distribution provided in sub. (5m). This subsection applies after June 30, 1993.

SECTION 2198jp. 84.11 (8) of the statutes is created to read:

84.11 (8) MAINTENANCE AND OPERATION. The county, city, village or town in which a bridge project is located is responsible for the maintenance and oper-

ation of a bridge constructed under this section. Except as provided in a jurisdictional transfer agreement under s. 84.16, this subsection does not apply to a bridge constructed under this section before the effective date of this subsection [revisor inserts date].

SECTION 2198js. 84.11 (9) of the statutes is created to read:

84.11 (9) EXCEPTIONS. Nothing in this section prevents construction of a local bridge under other applicable programs.

SECTION 2198jv. 84.12 (5) (a) and (b) of the statutes are amended to read:

84.12 (5) (a) The cost of projects eligible to construction under sub. (1) (a) to be borne by this state and its subdivisions shall be borne by the state and the counties, cities, villages and towns in which any part of the project in this state will be located in the manner and proportion provided by s. 84.11 (5) (a) and (am), 1987 stats.

(b) The cost of projects eligible to construction under sub. (1) (b), to be borne by this state and its subdivisions shall be borne by the state; provided that such cost may be shared in the manner and proportion provided in s. 84.11 (5) (b), 1987 stats., by the one or more counties, cities, villages and towns in which any part of the bridge project in this state will be located and by the application and matching of federal aid in the manner and proportion provided in s. 84.11 (5) (b), 1987 stats.

SECTION 2198kb. 84.15 (1) of the statutes is amended to read:

84.15 (1) MAINTENANCE AND OPERATION OF INTRASTATE BRIDGES. All Except as provided in a jurisdictional transfer agreement under s. 84.16, all matters relating to the maintenance and operation of bridges constructed, reconstructed or purchased under s. 84.11 before the effective date of this subsection [revisor inserts date], shall be under the jurisdiction and complete control of the department and the cost of such maintenance and operation thereof shall be the direct obligation of the state. Such portion of the approaches as may be determined by the department shall be considered a part of such bridge for maintenance and operation purposes. The portion of the approaches or highway not considered a part of such bridge for maintenance and operation purposes as determined by the department shall be maintained by the town, city or village in which it lies but this provision shall not diminish or otherwise affect the duty of the county with respect to the county trunk highways or the state with respect to the state trunk highways. Authority is given the department to carry fire or tornado insurance, or both, on bridges where such hazard exists and the premium on such insurance shall be included as a portion of such maintenance and operation costs.

SECTION 2198kd. 84.16 of the statutes is created to read:

84.16 Jurisdictional transfers of bridges. (1) The department may transfer its jurisdiction over bridges constructed, reconstructed or purchased under s. 84.11 before the effective date of this subsection [revisor inserts date], or under s. 84.12 to any local unit of government by entering into a jurisdictional transfer agreement with the local unit of government. Deletion of any part of the state trunk highway system under this section may be made without regard to any mileage limitation or procedural requirement imposed under s. 84.02 or chapter 518, laws of 1947.

(2) The jurisdictional transfer agreement must be approved by the department and the governing body of any municipality or county board involved before the transfer of any bridge becomes effective.

(3) A jurisdictional transfer agreement may contain any terms and conditions that the department and the local unit of government may deem necessary regarding maintenance or rehabilitation of any bridge transferred.

SECTION 2198kf. 84.18 (5) of the statutes is amended to read:

84.18 (5) DETERMINATION OF ENTITLEMENT. The department shall determine the entitlement to the coordinating agency based upon the ratio between the estimated cost of reconstructing or rehabilitating seriously deteriorating local bridges in that county and the estimated cost of reconstructing or rehabilitating the seriously deteriorating local bridges in the state which are eligible under this section, exclusive of any bridge that is programmed for construction under an order by the department under s. 84.11 (4). The estimated cost of reconstructing or rehabilitating the seriously deteriorating local bridges in the state and individual counties shall be based upon those bridges identified in the inventory of bridges made under s. 84.17.

SECTION 2198kk. 84.185 (1) (a) of the statutes is created to read:

84.185 (1) (a) "Business" has the meaning given in s. 560.60 (2).

SECTION 2198km. 84.185 (1) (am) of the statutes is created to read:

84.185 (1) (am) "Economic development project" means a business development that directly and significantly increases the number of jobs in this state.

SECTION 2198ko. 84.185 (1) (c) of the statutes is amended to read:

84.185 (1) (c) "Improvement" includes construction, reconstruction and the activities, operations and processes incidental to building, fabricating or bettering a transportation facility, but not ~~maintenance~~ maintaining or operating a transportation facility.

SECTION 2198kq. 84.185 (1) (cg) of the statutes is repealed.

SECTION 2198ks. 84.185 (1) (d) 2 of the statutes is amended to read:

84.185 (1) (d) 2. ~~An~~ A runway, taxiway or apron of an airport as defined in s. 114.002 (7).

SECTION 2198kt. 84.185 (2) (a) of the statutes is amended to read:

84.185 (2) (a) The secretary may approve the improvement of a transportation facility under this section ~~when if~~ the improvement is a component of a ~~major an~~ economic development project, ~~except that the secretary may not approve the improvement of a private road or driveway, as defined in s. 340.01 (46).~~

SECTION 2198kv. 84.185 (2) (b) 3 of the statutes is amended to read:

84.185 (2) (b) 3. The ratio of the cost of the improvement ~~per job created by the major to the increase in the number of jobs in this state resulting directly from the improvement or economic development project.~~

SECTION 2198kz. 84.185 (2) (b) 4 of the statutes is amended to read:

84.185 (2) (b) 4. The number of jobs which the improvement or economic development project will cause to be retained or increased in ~~the political subdivision~~ this state.

SECTION 2198Lb. 84.185 (2) (b) 5 of the statutes is amended to read:

84.185 (2) (b) 5. ~~The value of the contribution which the~~ Whether the political subdivision will make in contribute, from funds not provided by this state, not less than 50% of the cost of the improvement.

SECTION 2198Ld. 84.185 (2) (b) 7 of the statutes is amended to read:

84.185 (2) (b) 7. ~~The extent to which~~ Whether the improvement is compatible and complementary to other transportation facilities and improvements in the political subdivision.

SECTION 2198Lf. 84.185 (2) (b) 8 of the statutes is amended to read:

84.185 (2) (b) 8. ~~The extent to which~~ Whether the improvement ~~meets the criteria specified under s. 560.605 (1) (a) to (e) and (2) (a) to (d) for the awarding of grants or loans for a project, as defined in s. 560.60 (14) serves a public purpose.~~

SECTION 2198Lh. 84.185 (2) (b) 9 to 14 of the statutes are created to read:

84.185 (2) (b) 9. Whether the improvement is unlikely to be made without assistance under this section.

10. Whether the improvement will be located in an area of high unemployment or low average income.

11. Whether the improvement will contribute to the economic growth of this state and the well-being of the residents of this state.

12. Whether a business that would be helped by an improvement is financially sound.

14. Whether the improvement would have a significant negative impact on other businesses.

SECTION 2198Lm. 84.185 (4) of the statutes is amended to read:

84.185 (4) RULES. The department shall promulgate rules establishing criteria for making determinations under this section. The rules shall include criteria to rank projects and make competitive grant selections.

SECTION 2198Lp. 84.185 (6m) of the statutes is amended to read:

84.185 (6m) ADMINISTRATION. From the appropriations under s. 20.395 (2) (iq), (iv) and (ix), upon the approval of the secretary under sub. (2), the department may ~~improve~~ make improvements to or provide other assistance for the improvement of a transportation facility under sub. (1) (d) 1 to 3 or provide other assistance for the improvement of a transportation facility under sub. (1) (d) 4. The state share of costs for the improvement of a transportation facility may not exceed 50% of the cost of the improvement.

SECTION 2198Lq. 84.185 (9) of the statutes is created to read:

84.185 (9) EXCLUSION OF PRIVATE ROADS. No private road or driveway, as defined in s. 340.01 (46), may be improved under this section.

SECTION 2198Lv. 84.28 (title) and (1) of the statutes are amended to read:

84.28 (title) State park, forest and riverway roads.

(1) Moneys from the appropriation under s. 20.370 (1) (mr) may be expended for the renovation, marking and maintenance of a town or county highway located within the boundaries of any state park, state forest or other property under the jurisdiction of the department of natural resources. Moneys from the appropriation under s. 20.370 (1) (mr) may be expended for the renovation, marking and maintenance of a town or county highway located in the lower Wisconsin state riverway as defined in s. 30.40 (15). Outside the lower Wisconsin state riverway as defined in s. 30.40 (15), or outside the boundaries of these parks, forests or property, moneys from the appropriation under s. 20.370 (1) (mr) may be expended for the renovation, marking and maintenance of roads which the department of natural resources certifies are utilized by a substantial number of visitors to state parks, state forests or other property under the jurisdiction of the department of natural resources. The department of natural resources shall authorize expenditures under this subsection. The department of natural resources shall rank projects eligible for assistance under a priority system and funding may be restricted to those projects with highest priority.

SECTION 2198Lz. 84.28 (2) of the statutes is amended to read:

84.28 (2) The department may administer a program for the construction, maintenance and marking of roads, including fire roads, service areas, trailer or vehicle parking stalls or parking areas and other facilities consistent with highway construction and for the

marking of scenic routes in the state parks, state forests, the lower Wisconsin state riverway as defined under s. 30.40 (15), state fish hatcheries, other public used areas under the jurisdiction of the department of natural resources and other public lands as defined in ch. 24, for highways or fire roads leading from the most convenient state trunk highways to such lands, and for the relocation and construction of state trunk highways in or near state parks when required in the interests of public safety. Within the limitations and for the purposes of this section, work may be performed by or under the supervision or authority or with the approval of the department, upon the request for such work filed by the department of natural resources as to the lower Wisconsin state riverway, as defined in s. 30.40 (15), or as to state park or forest lands, or by the board of commissioners of the public lands as to other classes of public lands. Outside the lower Wisconsin state riverway, as defined in s. 30.40 (15), and outside the limits of the said park, state forest and public land areas, direct connections to the most convenient state trunk highway may be built or maintained under this section. Roads in unincorporated areas within 5 miles of the boundaries of the Horicon national wildlife refuge or the Horicon marsh wildlife area may be built or maintained under this section upon request of the town board, if the department of transportation certifies that such roads are or will be used by a substantial number of visitors to such area. Costs incurred under this section shall be the responsibility of the department of natural resources, commissioners of public lands or town board, as appropriate.

Vetoed
in Part

~~SECTION 2198p. 84.41 (3) of the statutes is amended to read:~~

~~84.41 (3) EMPLOYMENT REGULATIONS. Employment regulations set forth in s. 103.50 pertaining to fringe benefits, wages and hours shall apply to all projects constructed under s. 84.40 in the same manner as such laws apply to projects on other state highways. Where applicable, the federal wages and hours law known as the Davis-Bacon act shall apply.~~

SECTION 2199c. 84.52 (2) of the statutes is amended to read:

84.52 (2) It is the intent of the legislature that state debt not to exceed \$46,849,800 may be incurred for the construction or reconstruction of intrastate local bridges as provided by s. 84.11 and interstate bridges as provided by s. 84.12. Construction under this subsection shall be in accordance with the bridge needs of the state as determined in the biennial budget ~~bill act relating to transportation~~. ~~This subsection does not apply after June 30, 1993.~~

Vetoed
in Part

~~SECTION 2199d. 84.52 (2) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:~~

~~84.52 (2) It is the intent of the legislature that state debt not to exceed \$46,849,800 may be incurred for the construction or reconstruction of local bridges as~~

~~provided by s. 84.11 and interstate bridges as provided by s. 84.12. Construction under this subsection shall be in accordance with the bridge needs of the state as determined in the biennial budget act relating to transportation. This subsection does not apply after June 30, 1993.~~

Vetoed
in Part

SECTION 2199eb. 84.59 (6) of the statutes is amended to read:

84.59 (6) Revenue obligations may be contracted by the building commission when it reasonably appears to the building commission that all obligations incurred under this section can be fully paid from moneys received or anticipated and pledged to be received on a timely basis. Revenue obligations issued under this section shall not exceed ~~\$383,300,000~~ \$477,034,000 in principal amount, excluding obligations issued to refund outstanding revenue obligations. Not more than ~~\$324,700,000~~ \$414,034,000 of the ~~\$383,300,000~~ \$477,034,000 may be used for transportation facilities under s. 84.01 (28) and major highway projects under ss. 84.06 and 84.09.

SECTION 2199ef. 84.61 of the statutes is repealed.

SECTION 2199eh. 85.022 of the statutes is created to read:

85.022 Transit corridor study grants. (1) The department shall administer a transit corridor study ~~grant~~ grant program. The department shall make grants from the appropriation under s. 20.395 (2) (hq) ~~to cities in southern Wisconsin~~ to cities that apply jointly for a grant before providing grants to cities that do not apply jointly with another city.

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

(2) A city that receives a grant under this section shall use the grant to fund the study of interurban and intraurban area transit corridors, including an analysis of the impact of a transit facility on local and statewide economic development. The study must consider all of the following:

- (a) Present and future transit ridership.
- (b) Existing railroad and other transportation right-of-way and potential right-of-way availability.
- (c) The capacity of alternative transit facilities.
- (d) Parking availability.
- (e) Plans for completing transit projects.
- (f) The creation of a regional operating authority.
- (g) Analysis of alternative means of financing, including public and private cost-sharing.
- (h) Coordination of rail passenger services with existing publicly operated mass transit systems.

(3) A city that receives a grant under this section shall make the results of its study available to any interested county or city.

(4) The department and grant recipients shall coordinate transit corridor studies with any metropolitan transportation policy boards that may be appointed by the governor.

SECTION 2199ej. 85.08 (2) (b) of the statutes is amended to read:

85.08 (2) (b) To plan, promote and engage in financial and technical assistance programs for continuing, restoring and operating ~~Lake Michigan rail and car ferry and~~ rail branch line transportation services.

SECTION 2199ek. 85.08 (4) of the statutes is amended to read:

85.08 (4) (title) RAIL PLANNING AND TECHNICAL ASSISTANCE GRANTS. Upon its own initiative or upon application by a government agency, the department may make grants of financial assistance and provide technical assistance for ~~the continuance or improvement of Lake Michigan rail car ferry services and may make grants of financial assistance for or conduct~~ rail system, service and technical studies.

SECTION 2199eL. 85.08 (4m) (f) (intro.), 1 and 2 of the statutes are amended to read:

85.08 (4m) (f) (title) *Freight railroad emergency fixed facility repair grants.* (intro.) The department may make ~~loans~~ grants to eligible applicants ~~who are grantees under par. (e)~~ for the purpose of performing immediate limited emergency repairs necessary to open a freight railroad line or to keep an operating freight railroad line open at minimum safety and service levels. A ~~loan grant~~ grant may not be made under this paragraph unless the conditions requiring emergency repairs would prohibit the operation of trains. A ~~loan grant~~ grant may not be ~~granted for a period of more than 6 months after the first 18 months that a railroad line is opened for service by an operator.~~ The amount of a ~~loan grant~~ grant is limited to a maximum expenditure per mile of 10% of the average per mile cost of railroad rehabilitation projects under par. (d), as determined by the department, and may not exceed ~~the amount provided by the applicant as the local share of a grant under par. (e) unless the applicant obtains a repayment guarantee for any additional amount from the counties through which the line operates.~~ A ~~loan agreement~~ grant shall provide for the payment of interest at ~~commercial rates.~~ A ~~loan~~ grant 80% of the cost of the emergency repairs. A ~~grant~~ grant made under this paragraph shall be paid from the appropriation under s. 20.395 (2) (bq). The department shall administer the ~~loan grant~~ grant program and shall have all powers necessary and convenient to implement this paragraph, including the following powers:

1. To develop the additional specifications and provisions of the ~~loans~~ grants which are made to eligible applicants.

2. To receive and review applications for ~~loans~~ grants under this paragraph and to prescribe the form, nature and extent of the information which shall be contained in the ~~loan grant~~ grant application.

SECTION 2199ep. 85.08 (4m) (f) 3 of the statutes is repealed.

SECTION 2200. 85.09 (2) of the statutes is amended to read:

85.09 (2) FIRST RIGHT OF ACQUISITION. The department of transportation shall have the first right to acquire, for present or future transportation purposes, recreational purposes, scenic purposes or for the purpose of constructing a correctional institution, any property used in operating a railroad or railway, including land and rails, ties, switches, trestles, bridges and the like located thereon, which has been abandoned. The department of transportation may, in connection with abandoned rail property, assign this right to a state agency, the board of regents of the university of Wisconsin system, any county or city or any transit commission. Acquisition by the department of transportation may be by gift, purchase or condemnation in accordance with the procedure under s. 32.05. In addition to its property management authority under s. 85.15, the department of transportation may lease and collect rents and fees for any use of rail property pending discharge of the department's duty to convey property that is not necessary for a public purpose. In exercising its property management authority, the department of transportation, to the greatest extent practicable, shall encourage and utilize the Wisconsin conservation corps for appropriate projects. No person owning abandoned rail property, including any person to whom ownership reverts upon abandonment, may convey or dispose of any abandoned rail property without first obtaining a written release from the department of transportation indicating that the first right of acquisition under this subsection will not be exercised or assigned. The department of ~~health and social services~~ corrections may notify the department of transportation of its interest in specific rail property or of its interest in rail property in certain areas of the state. The department of transportation may not issue this written release for rail property in which the department of ~~health and social services~~ corrections has notified it of an interest unless the department of ~~health and social services~~ corrections authorizes the release. No railroad or railway may convey any rail property prior to abandonment if the rail property is part of a rail line shown on the railroad's system map as in the process of abandonment, expected to be abandoned or under study for possible abandonment unless the conveyance or disposal is for the purpose of providing continued rail service under another company or agency. Any conveyance made without obtaining such release is void. The ~~department's~~ department of transportation first right of acquisition of the department of transportation under this subsection does not apply to any rail property declared by the department to be abandoned before January 1, 1977. The department of transportation may acquire any abandoned rail property under this section regardless of the date of its abandonment.

SECTION 2200ab. 85.095 (title) of the statutes is amended to read:

85.095 (title) Harbor assistance program.

SECTION 2200ac. 85.095 (1) (am) of the statutes is repealed.

SECTION 2200ae. 85.095 (2) (title) of the statutes is amended to read:

85.095 (2) (title) ADMINISTRATION.

SECTION 2200ag. 85.095 (2) (c) of the statutes is amended to read:

85.095 (2) (c) To receive and review applications for grants under this ~~subsection~~ section and to prescribe the form, nature and extent of the information which shall be contained in the applications.

SECTION 2200aj. 85.095 (3) (title) and (a) of the statutes are amended to read:

85.095 (3) (title) PLANNING REQUIREMENTS. (a) Except as provided in par. (c), no grant may be made under ~~sub. (2)~~ this section unless the eligible applicant submits information to the department regarding harbor projects for which the eligible applicant may request state aid under ~~sub. (2) this section~~ or federal aid, or both, during the next 3-year period. The information shall be submitted prior to the April 1 which precedes the fiscal year in which the eligible applicant seeks aid under ~~sub. (2) this section~~.

SECTION 2200am. 85.095 (4) of the statutes is repealed.

SECTION 2200ap. 85.14 of the statutes is renumbered 85.14 (2) and amended to read:

85.14 (2) The department shall certify to the state treasurer the amount of charges associated with the use of credit cards ~~and that is~~ assessed to the department on deposits accepted under s. 345.26 (3) (a) by state traffic patrol officers and state motor vehicle inspectors, and the state treasurer shall pay the charges from moneys under s. 59.20 (8) and (8m) ~~and that are reserved for payment of the charges under ss. 14.58 (21) and 20.585 (1) (jm).~~

SECTION 2200aq. 85.14 (title) of the statutes is amended to read:

85.14 (title) Payments of fees and deposits by credit card.

SECTION 2200as. 85.14 (1) of the statutes is created to read:

85.14 (1) (a) The department may accept payment by credit card of a fee that is required to be paid to the department under ch. 194, 218, 341, 342, 343 or 348. The department shall determine which fees may be paid by credit card and the manner in which the payments may be made.

(b) The department shall pay to the state treasurer the amount of charges associated with the use of credit cards under par. (a) that are assessed to the department.

SECTION 2200at. 85.16 (1) of the statutes is amended to read:

85.16 (1) The secretary may make reasonable and uniform orders and rules deemed necessary to the discharge of the powers, duties and functions vested in

the department. The secretary may also prescribe forms for applications, notices and reports required by law to be made to the department or which are deemed necessary to the efficient discharge of all powers, duties and functions and prescribe the form and manner in which those applications, notices and reports may be filed or submitted.

SECTION 2200atg. 85.20 (1) (k) of the statutes is amended to read:

85.20 (1) (k) "Urban area" means any area that includes a city or village having a population of 2,500 or more that is appropriate, in the judgment of the department, for an urban mass transit system or an area that includes 2 American Indian reservations and that is served by a mass transit system operated by a transit commission.

SECTION 2200av. 85.20 (3) (cm) of the statutes is amended to read:

85.20 (3) (cm) To conduct an audit ~~the performance, as shown by service provided,~~ of a privately owned urban mass transit system with which a local public body contracts for services on the basis of competitive bids. The to determine that system's compliance with the terms of that contract for services. An audit under this paragraph shall be the basis for computing the maximum share of state and federal aids that an eligible applicant that contracts with a privately owned urban mass transit system on the basis of competitive bids may apply against operating deficits for each state aid contract period.

SECTION 2200ax. 85.20 (3) (cr) of the statutes is created to read:

85.20 (3) (cr) To conduct a management performance audit of all urban mass transit systems participating in the program at least once every 5 years.

SECTION 2200az. 85.20 (4m) (a) of the statutes is amended to read:

85.20 (4m) (a) From the amounts appropriated under s. 20.395 (1) (bq), an amount equal to ~~37.5%~~ 38.5% of the projected operating expenses of each eligible applicant's urban mass transit system shall be allocated to each eligible applicant.

SECTION 2200aza. 85.20 (4m) (b) of the statutes is created to read:

85.20 (4m) (b) 1. Except as provided in subd. 2, each eligible applicant shall provide a local contribution, exclusive of user fees, toward operating expenses in an amount equal to at least 20% of state aid allocations to that eligible applicant under this section.

2. Subdivision 1 does not apply to an eligible applicant that is served exclusively by a shared-ride taxicab system.

SECTION 2200azba. 85.20 (4m) (em) (intro.) and 1 of the statutes are amended to read:

85.20 (4m) (em) (intro.) The sum of the state aid allocations made to each applicant under par. (a) may not exceed ~~either~~ any of the following:

1. ~~Thirty-seven~~ Thirty-eight and one-half percent of the audited operating expenses for the project year of the applicant's urban mass transit system; ~~or~~.

SECTION 2200azbb. 85.20 (4m) (em) 3 of the statutes is created to read:

85.20 (4m) (em) 3. Five times the amount of an eligible applicant's required local contribution under par. (b) 1.

SECTION 2200azc. 85.20 (6) of the statutes is renumbered 85.20 (6) (intro.) and amended to read:

85.20 (6) (title) PLANNING REQUIREMENTS. (intro.) As a condition of eligibility to receive state aids, an applicant is required to annually do all of the following:

(a) Annually prepare and submit to the department a 4-year transit development program, in the form and manner prescribed by the department. The rules adopted to implement this ~~subsection paragraph and par. (b)~~ shall be compatible with applicable federal regulations.

SECTION 2200azd. 85.20 (6) (b) of the statutes is created to read:

85.20 (6) (b) Establish multiyear service and performance goals and assess the effectiveness of its mass transit system in relation to those goals at intervals specified by the department by rule.

SECTION 2200azdd. 85.25 (2) (a) of the statutes is amended to read:

85.25 (2) (a) "Business development organization" means the Wisconsin housing and economic development authority under s. 234.02 or any private, ~~non-profit~~ organization which prepares business and loan plans for and provides other financial, management and technical assistance to disadvantaged businesses.

SECTION 2200azdm. 85.25 (2) (c) 1 of the statutes is amended to read:

85.25 (2) (c) 1. It is at least 51% owned, controlled and actively managed by a ~~minority group member or members, as defined in s. 560.036 (1) (f), or a woman or woman, who are U.S. citizens or persons lawfully admitted to the United States for permanent residence, as defined under 8 USC 1101 (a) (20) disadvantaged individual, as defined in s. 84.076 (1) (a).~~

SECTION 2200aze. 85.26 of the statutes is created to read:

85.26 Employment transit assistance program. (1) **FINDINGS AND PURPOSE.** The legislature finds that, for many workers and persons seeking employment in outlying suburban and sparsely populated and developed areas, conventional, fixed-route mass transit systems do not provide adequate transportation service. The purpose of the employment transit assistance program under this section is to correct this deficiency in access to employment locations and to stimulate the development of innovative transit service methods.

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

(a) "Eligible applicant" means a local public body or a private organization.

(b) "Local public body" has the meaning given in s. 85.20 (1) (d).

(c) "Mass transit system" has the meaning given in s. 85.20 (1) (e).

(d) "Project" means a project designed to improve access to jobs located in outlying suburban and sparsely populated and developed areas that are not adequately served by a mass transit system and to develop innovative transit service methods.

(3) **ADMINISTRATION.** The department shall administer the employment transit assistance program and shall have all powers necessary and convenient to implement this section, including the following:

(a) To conduct a project.

(b) To make and execute contracts with eligible applicants.

(c) To make grants to eligible applicants to conduct projects or to match a federal grant awarded to an eligible applicant to conduct a project. Grants by the department are subject to all of the following requirements:

1. A grant may not exceed 80% of the total cost of a project.

2. A grant may only be made to an eligible applicant that provides access to nontemporary employment.

(d) To receive and review applications from eligible applicants for grants under this section and to prescribe the form, nature and extent of information that shall be included in applications.

(e) To establish criteria for evaluating applications for grants under this section.

(4) **REQUIREMENTS.** The following requirements apply to the employment transit assistance program:

(a) All jobs accessed by the program must pay at least \$4 per hour.

(b) Fares charged under the program must not exceed \$2 per one-way trip.

(c) Employers must pay at least 50% of the cost per one-way trip for their employees who participate in the program.

SECTION 2200azf. 86.16 (1) of the statutes is amended to read:

86.16 (1) Any person, firm or corporation, including any foreign corporation authorized to transact business in this state may, subject to ss. 30.44 (3m), 30.45, 196.491 (3) (d) 3m and 196.492, with the written consent of the department with respect to state trunk highways, and with the written consent of local authorities with respect to highways under their jurisdiction, including connecting highways, construct and operate telegraph, telephone or electric lines, or pipes or pipelines for the purpose of transmitting messages, water, heat, light or power along, across or within the limits of the highway.

SECTION 2200azg. 86.18 (1) of the statutes is amended to read:

86.18 (1) The county board of any county having a population of 250,000 or more, ~~shall have power and authority to~~ may acquire, establish, lay out, relocate, widen, enlarge, extend, pave, repave, improve and maintain ~~state and~~ county trunk highways therein, and when requested by resolution adopted by the governing body of any municipality situated therein, any other highway located in such municipality; to construct and lay water pipes, sewers, curbs, gutters and all other public facilities in such highways; to make assessments of benefits and damages, levy assessments, and issue assessment certificates and bonds in the making of and paying for said improvement to the same extent as is given to cities on the same subject matter.

SECTION 2200azh. 86.185 of the statutes is amended to read:

86.185 (title) Populous counties; power over county trunk highways. Counties having a population of at least 150,000 may exercise any corresponding power over county trunk highways that is conferred upon cities in the widening or improving and maintaining of state trunk or county trunk highways, the constructing or laying of water pipes, sewers and all other public service facilities therein, and in the levying of special assessments and issuing of assessment certificates and special improvement bonds.

SECTION 2200azi. 86.30 (2) (a) 3. a and b of the statutes are amended to read:

86.30 (2) (a) 3. a. In calendar year ~~1988, \$750~~ 1990, \$900.

b. In calendar year ~~1989~~ 1991 and thereafter, ~~\$810~~ \$1,000.

SECTION 2200azk. 86.30 (2) (d) of the statutes is amended to read:

86.30 (2) (d) *Aid limitation based on reported costs.* No county or municipality may be paid an amount under this section greater than ~~80%~~ 85% of its multi-year average costs under s. 86.303.

SECTION 2200azL. 86.30 (2) (e) 1 of the statutes is renumbered 86.30 (2) (e).

SECTION 2200azm. 86.30 (2) (e) 2 of the statutes is repealed.

SECTION 2200azn. 86.30 (2) (f) of the statutes is created to read:

86.30 (2) (f) *Corrections of aid payments.* In making corrections to transportation aid payments under this section:

1. If the sum of all underpayments and overpayments results in a net underpayment, the net underpayment shall be paid from the appropriation under s. 20.395 (1) (ar).

2. If the sum of all underpayments and overpayments results in a net overpayment, the net overpayment shall be returned to the transportation fund.

SECTION 2200azo. 86.30 (9) of the statutes is amended to read:

86.30 (9) (title) **AIDS CALCULATIONS FOR 1990 AND 1991.** For the purpose of calculating and distributing aids under sub. (2), the amounts for aids are ~~\$193,485,000~~ \$217,048,900 in calendar year ~~1988~~ 1990 and ~~\$205,640,000~~ \$229,934,300 in calendar year ~~1989~~ 1991 and thereafter. These amounts, to the extent practicable, shall be used to determine the statewide average cost-sharing percentage in the particular calendar year.

SECTION 2200azp. 86.302 (1) of the statutes is amended to read:

86.302 (1) ~~The~~ Except as provided in sub. (1m), the board of every town, village and county, and the governing body of every city, shall ~~annually not later than December 15,~~ file with the department and with the county clerk not later than December 15 of every odd-numbered year, a certified plat of such town, village, city or county showing the roads and streets under their jurisdiction and the mileage thereof to be open and used for travel as of the succeeding January 1, which may be used by the department in making computations of transportation aids. One-half of the mileage of roads or streets on boundary lines shall be considered as lying in each town, village, city or county.

SECTION 2200azq. 86.302 (1m) of the statutes is created to read:

86.302 (1m) The board of a town, village or county and the governing body of a city need not file a certified plat under sub. (1) if the town, village, county or city has not added or deleted jurisdictional mileage since filing its last preceding certified plat under sub. (1).

SECTION 2200azr. 86.302 (2) of the statutes is amended to read:

86.302 (2) The department shall cooperate with and provide assistance to local units of government in their jurisdictional mileage determination efforts. The department shall inventory and verify all road mileage in a county or municipality once every 5 ~~10~~ years.

SECTION 2200azs. 86.302 (3) (a) of the statutes is amended to read:

86.302 (3) (a) New roads shall be added to ~~a local unit's~~ the mileage total of a city, county, town or village in the calendar year following the odd-numbered year in which the road is first ~~open to traffic~~ included in the certified plat of that city, county, town or village.

SECTION 2200azt. 86.302 (3) (b) of the statutes is amended to read:

86.302 (3) (b) Abandoned roads shall be deleted from ~~a local unit's~~ the mileage total of a city, county, town or village in the calendar year following the odd-numbered year in which the certified plat of that city, county, town or village shows that the road is closed to traffic.

SECTION 2200azu. 86.302 (4) of the statutes is amended to read:

86.302 (4) The incorporated status and boundaries of municipalities and changes in jurisdictional mileage responsibilities under this section shall be ~~certified by the department by May 1 in order to be~~ reflected in transportation aid calculations for the following calendar year following the odd-numbered year in which a certified plat under sub. (1) is filed.

SECTION 2200azv. 86.315 (1) of the statutes is amended to read:

86.315 (1) From the appropriation under s. 20.395 (1) ~~(d)~~ (f), the department shall annually, on March 10, pay to counties having county forests established under ch. 28, for the improvement of public roads within the county forests which are open and used for travel and which are not state or county trunk highways or town roads and for which no aids are paid under s. 86.30, the amount of \$200 per mile of road designated in the comprehensive county forest land use plan as approved by the county board and the department of natural resources. If the amount appropriated under s. 20.395 (1) ~~(d)~~ (f) is insufficient to make the \$200 per mile payments under this subsection, the department shall prorate the amount appropriated in the manner it deems desirable.

SECTION 2200azw. 86.315 (4) of the statutes is renumbered 86.315 (4) (a) and amended to read:

86.315 (4) (a) The Except as provided in par. (b), the committee designated to administer the county forest program shall annually, not later than September 15 of every odd-numbered year, file with the department and the county clerk a certified plat of the county forests showing the roads to be open and used for travel as of the succeeding January 1. The certified plat shall show the mileage of the roads for use by the department in making computations of road aids under this section. In computing the mileage, the lengths included in road intersections may not be included more than once.

SECTION 2200azx. 86.315 (4) (b) of the statutes is created to read:

86.315 (4) (b) The committee designated to administer the county forest program need not file a certified plat under par. (a) if the county has not added or deleted public road mileage within the county forests as specified in sub. (1) since the committee last filed a certified plat under par. (a).

SECTION 2200azya. 86.32 (1m) of the statutes is created to read:

86.32 (1m) The department shall conduct a formal review of the designation of all connecting highways by January 1, 1995. In conducting this review, the department shall consider all of the following:

(a) Eliminating duplicate routes when bypass routes serving traffic going in the same direction are in place.

(b) When bypasses are in place, determining the number and location of connecting highway connections to the bypasses needed to serve traffic between regions of the state.

SECTION 2200azyb. 86.32 (2) (am) of the statutes is created to read:

86.32 (2) (am) Reimbursement for maintenance of connecting highways shall be determined using the following rates per lane mile:

1. For 1989, \$8,940 per lane mile for municipalities having a population over 500,000; \$8,280 per lane mile for municipalities having a population of 150,001 to 500,000; \$7,380 per lane mile for municipalities having a population of 35,001 to 150,000; \$6,500 per lane mile for municipalities having a population of 10,000 to 35,000; and \$5,600 per lane mile for municipalities having a population under 10,000.

2. For 1990, \$9,208 per lane mile for municipalities having a population over 500,000; \$8,528 per lane mile for municipalities having a population of 150,001 to 500,000; \$7,601 per lane mile for municipalities having a population of 35,001 to 150,000; \$6,695 per lane mile for municipalities having a population of 10,000 to 35,000; and \$5,768 per lane mile for municipalities having a population under 10,000.

3. For 1991, \$9,484 per lane mile for municipalities having a population over 500,000; \$8,784 per lane mile for municipalities having a population of 150,001 to 500,000; \$7,829 per lane mile for municipalities having a population of 35,001 to 150,000; \$6,896 per lane mile for municipalities having a population of 10,000 to 35,000; and \$5,941 per lane mile for municipalities having a population under 10,000.

SECTION 2200azyc. 86.32 (2) (b) 1, 3 and 5 of the statutes are amended to read:

86.32 (2) (b) 1. ~~Reimbursement for maintenance of connecting highways for calendar year 1987 shall be determined as follows: \$8,210 per lane mile for municipalities having a population over 500,000; \$7,610 per lane mile for municipalities having a population of 150,001 to 500,000; \$6,780 per lane mile for municipalities having a population of 35,001 to 150,000; \$5,970 per lane mile for municipalities having a population of 10,000 to 35,000; and \$5,140 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.

3. The amount appropriated under s. 20.395 (1) (f) shall be distributed according to the per lane mile rate established in this subsection ~~as adjusted by the inflation rate determined under sub. (3).~~

5. If the amount appropriated under s. 20.395 (1) (fq) 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 2200azyd. 86.32 (3) of the statutes is repealed.

SECTION 2200b. 88.01 (13) of the statutes is repealed.

SECTION 2200d. 88.11 of the statutes is created to read:

88.11 Assistance to drainage districts. (1) The department of agriculture, trade and consumer protection shall employ an engineer to improve district operations. The department may:

- (a) Perform inspections in drainage districts.
- (b) Review district maintenance plans including ditch designs; installation and maintenance of structures; and plans for drainage, drainage control, soil conservation and water conservation.
- (c) Provide guidance to drainage boards and professional engineers in developing district surveys and maintenance plans.
- (d) Review district designs for new ditches and structures and assist districts in developing hydrologic and hydraulic information about project effectiveness.
- (e) Coordinate district activities with the department of natural resources.
- (f) Assist districts in applying for permits under s. 88.31.
- (g) Provide guidelines for compliance with federal and state agricultural and conservation programs.
- (h) Provide guidelines for reassessments.
- (i) Perform other functions that the department considers appropriate.

(2) The engineer employed under sub. (1) shall provide technical assistance to improve district operations on the request of the department of natural resources, drainage board, landowners in the district or the judge.

SECTION 2200f. 88.13 of the statutes is amended to read:

88.13 Right to enter lands of drainage district. Whenever necessary for any purpose connected with the organization of a ~~drainage~~ district or the construction, maintenance or repair of drains and other works, members of the board, ~~representatives of the secretary of administration~~ department of agriculture, trade and consumer protection, and persons intending to bid on or to whom contracts have been let for the construction of the works within a ~~drainage~~ district and their respective agents and employes may go upon any lands proposed for inclusion or included within a ~~drainage~~ district or on adjoining lands, and are not guilty of trespass therefor but are liable for unnecessary damage caused to crops or structures.

SECTION 2200gc. 88.16 (1m) of the statutes is repealed.

SECTION 2200ge. 88.16 (1s) of the statutes is created to read:

88.16 (1s) A drainage district which elected to operate under this section under s. 88.16 (1m), 1987 stats., may operate under this section.

SECTION 2200gg. 88.16 (3m) of the statutes is created to read:

88.16 (3m) All provisions of this chapter that do not conflict with this section apply to a drainage district operating under this section.

SECTION 2200h. 88.21 (5) of the statutes is amended to read:

88.21 (5) Employ engineers and other assistants. Any engineer employed by the board shall be selected from a list of professional engineers approved by the ~~secretary of administration~~ department of agriculture, trade and consumer protection. The ~~secretary of administration~~ department of agriculture, trade and consumer protection shall furnish each drainage board, upon request, a list of professional engineers whom ~~he deems~~ it considers qualified by training and experience to give competent advice in drainage matters.

SECTION 2200j. 88.30 (title) of the statutes is repealed.

SECTION 2200k. 88.30 (1) to (3) of the statutes are renumbered 88.11 (3) to (5) and amended to read:

88.11 (3) If the area recommended by ~~the~~ a board for drainage exceeds 200 acres, the board, prior to the court's hearing on its report, shall procure and file with the court a report of the ~~secretary of administration~~ department of agriculture, trade and consumer protection on all of the following:

- (a) The location, design, feasibility and cost of the proposed outlet drains;
 - (b) A general description of the additional drainage necessary to reclaim the land fully for general agricultural purposes, and ~~the its~~ its probable cost of the same;
 - (c) A general comparison of the benefits in the different parts of the district on the basis of the location and design of the proposed drains, ~~and the~~;
 - (d) The physical features of the land to be drained.
- (4) The board, with the aid of an engineer having the qualifications specified in s. 88.21 (5), shall make the necessary survey and evaluation as directed by the ~~secretary of administration~~ department of agriculture, trade and consumer protection for ~~his~~ its report.

(5) The report of the ~~secretary of administration~~ department of agriculture, trade and consumer protection also shall include a report of the college of agriculture and life sciences of the university of Wisconsin ~~Wisconsin~~ Wisconsin-Madison on all of the following:

- (a) The quality and character of soils and subsoils in the proposed district;
- (b) A soil map of the proposed district;
- (c) The present agricultural value of the lands;

(d) The kind of crops to which ~~such~~ the lands will be adapted after drainage.

SECTION 2200m. 88.30 (4) of the statutes is repealed.

SECTION 2200p. 88.34 (1) of the statutes is amended to read:

88.34 (1) When the board has filed its report with the court, including any reports required by s. ~~88.30~~ 88.11, the court or judge shall fix a time and place of hearing thereon and shall cause notice to be given under s. 88.05 to the persons specified in s. 88.05 (4) (c).

SECTION 2200r. 88.35 (7) of the statutes is amended to read:

88.35 (7) If the area of the ~~drainage~~ district exceeds 200 acres, the report shall be submitted to the ~~secretary of administration~~ department of agriculture, trade and consumer protection before it is filed with the court. Within 10 days, the ~~secretary of administration~~ department shall return it with ~~his~~ its approval or disapproval.

SECTION 2201. 91.19 (6m) of the statutes is amended 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~~ 301.16.

SECTION 2201b. 91.19 (6p) of the statutes is created to read:

91.19 (6p) The department shall relinquish from a farmland preservation agreement land subject to a farmland preservation agreement if the owner of the land has, before December 31, 1988, obtained state, county, city, village and town licenses, permits or approvals, other than those required under this chapter, to develop the land as a concert park.

SECTION 2201d. 91.19 (7) of the statutes is amended to read:

91.19 (7) Whenever a farmland preservation agreement is relinquished under sub. (2) ~~or (6p)~~ or a transition area agreement is relinquished under sub. (1) or (2), the department shall cause to be prepared and recorded a lien against the property formerly subject to the agreement for the total amount of all credits received by all owners of such lands under subch. IX of ch. 71 during the last 10 years that the land was eligible for such credit, plus interest at the rate of 6% per year compounded annually on the credits received from the time the credits were received until the lien is paid. No interest shall be compounded for any period during which the farmland is subject to a subsequent farmland preservation agreement or transition area agreement or is zoned for exclusive agricultural use under an ordinance certified under subch. V.

SECTION 2201m. 91.21 (1) of the statutes is amended to read:

91.21 (1) If the owner or a successor in title of the land upon which a farmland preservation agreement

has been recorded under this chapter changes the use of the land to a prohibited use without first acting under ss. 91.17 and 91.19 and the land is not relinquished under s. 91.19 (6p), the owner or successor in title may be enjoined by the state, acting through the attorney general, or by the local governing body having jurisdiction, acting through its attorney, and is subject to a civil penalty for actual damages, but in no case to exceed double the value of the land as established at the time the application for the agreement was approved.

SECTION 2201n. 92.10 (4) (a) of the statutes is amended to read:

92.10 (4) (a) *Data*. The department shall develop a systematic method of collecting and organizing data related to soil erosion. The department shall cooperate with the ~~department of administration~~ acting land information board under s. 16.967 in developing this methodology or any related activities related to land ~~resource data~~ information collection.

SECTION 2201p. 92.103 of the statutes is created to read:

92.103 Wind erosion control pilot program. (1) The department shall do all of the following:

(a) Select at least one county subject to severe wind erosion and designate that county as eligible for grants under this section.

(b) Provide grants to the county designated under par. (a) for one or more of the following:

1. Property tax credits applied on a per-acre basis to persons owning land subject to wind erosion. The county clerk shall notify the clerk of the taxation district of any credit awarded under this subdivision and the clerk of the taxation district shall reduce the appropriate tax bill under s. 74.09 (2m).

2. Funding for on-farm wind erosion control tillage demonstrations.

3. Funding for county personnel to administer and implement the program under this section.

(c) Promulgate rules to administer the program under this section.

(2) This section does not apply after June 30, 1994.

SECTION 2203. 93.06 (1p) of the statutes is created to read:

93.06 (1p) **SERVICE TESTING RELATED TO DEPARTMENT PROGRAMS.** Provide inspection services, diagnostic services and analytical or testing services upon request if the requested service is related to an authorized department program and serves program objectives. The department may charge a fee to cover its cost to provide the requested services.

SECTION 2220b. 93.30 of the statutes is amended to read:

93.30 World dairy expo. (1) The secretary shall approve any plans for the expenditure of appropriations under s. 20.115 (4) (e) to the world dairy expo, inc., ~~for the payment of premiums for dairy products~~

~~or livestock or upon articles relating to the production or manufacture of such products or the raising of such livestock activities that expand business opportunities for the persons of the dairy industry that are located in this state. Of the amounts appropriated under s. 20.115 (4) (e), \$33,250 in each fiscal year may be expended only to the extent that a county, city, village or town pays to world dairy expo., inc., an amount that is not less than 50% of the department's payment.~~

(2) Any moneys received by world dairy expo, inc., under this section shall be used only for ~~premiums~~ the purposes described in sub. (1).

(3) Not later than 30 days after the close of the exposition each year world dairy expo, inc., shall file with the department, on forms provided by it, an itemized account verified on oath, showing ~~not premiums amounts~~ actually paid or to be paid ~~at the preceding exposition~~. The verified account shall correspond with the plans approved by the secretary under sub. (1). On or before December 31 of the year in which the exposition is held, world dairy expo, inc., shall furnish the department with a statement of receipts and disbursements, attendance and such other information relating to the exposition as the department may require. Upon receipt of such statement the department shall pay world dairy expo, inc., the aid due for the preceding year.

SECTION 2221d. 93.415 of the statutes is created to read:

Vetoed
in Part

~~**93.415 Stray voltage assistance grants.** (1) **ELIGIBILITY.** If a farmer participates in the stray voltage assessment program under s. 196.857, and a stray voltage assessment team under that program determines that the farmer has a serious stray voltage problem, the farmer may apply for a grant under sub. (2).~~

Vetoed
in Part

~~(2) **ASSISTANCE GRANTS.** From the appropriation under s. 20.115 (8) (d), the department may award a grant to an eligible farmer to assist the farmer in implementing a stray voltage abatement method or program. A grant under this subsection may not exceed \$5,000 and may not exceed 50% of the total cost of the most cost-effective stray voltage abatement method or program for the farmer, as determined by the department.~~

~~(3) **APPLICABILITY.** This section does not apply after August 31, 1991.~~

SECTION 2221g. 93.46 of the statutes is created to read:

93.46 Agricultural diversification. (1) The department shall establish an agricultural diversification program and shall do all of the following:

(a) Conduct market research and develop long-range plans to determine potential for the production and marketing of agricultural crops and livestock.

(b) Provide assistance to individuals and organizations on marketing strategies, agricultural product processing and other matters related to agricultural diversification.

(c) Coordinate the agricultural diversification program with technical assistance programs of other agencies.

(2) (a) The department shall make agricultural research and development grants. The department may provide grants to fund demonstration projects, feasibility analyses and applied research directed toward new or alternative technologies and practices that will stimulate agricultural development and economic activity.

(b) The department may not award a grant under this subsection unless the grant is for a project conducted in this state that has at least one of the following purposes:

1. Creation of jobs in the agricultural industry.
2. New capital investment and expansion in the agricultural industry.
3. Agricultural product market development and expansion.
4. Diversification and expansion of the production, processing and distribution of agricultural products.
5. Commercial application of new technologies or practices related to agricultural products.
6. Increased use of surplus agricultural products.
7. Improvement of the competitive position of this state's agricultural industry.
8. Efficient use of farmland and other agricultural resources.

(c) The department may not fund any project under this subsection if the proposed length of the project exceeds 3 years. The total funding to a single project under this subsection may not exceed \$50,000.

(d) Not later than one year after the effective date of this paragraph[revisor inserts date], the department shall make a grant of \$50,000 from the appropriation under s. 20.115 (4) (c) to support an applied research and development project related to aquaculture development. The moneys provided under this paragraph may be granted to any collaborative public or private sector project.

SECTION 2221m. 93.50 of the statutes is created to read:

93.50 Farm mediation and arbitration program. (1) **DEFINITIONS.** In this section:

(a) "Action" means a court action by a creditor against a farmer for payment of a debt; to enforce or foreclose a security interest, lien or mortgage; or to repossess or declare a creditor's interest in real property. "Action" includes garnishment, replevin, execution of judgment, involuntary receivership and supplementary creditor's proceedings.

(am) "Agricultural property" means real property that is used principally for farming, real property that is a farmer's principal residence and any land contiguous to the residence, personal property that is used as security to finance farming or personal property that is used for farming.

(b) "Board" means the farm mediation and arbitration board.

(c) "Creditor" means any person who has a claim against agricultural property or against a farmer affecting the farmer's agricultural property, whether the claim is matured or unmatured, liquidated or unliquidated, secured or unsecured, fixed or contingent.

(d) "Farmer" means a farmer, as defined in s. 102.04 (3), who owns or leases a total of 60 acres or more of land that is agricultural property and whose gross sales of farm products for the preceding year equaled \$20,000 or more.

(e) "Farming" has the meaning given under s. 102.04 (3).

(2) BOARD, MEDIATORS AND ARBITRATORS. (a) *Selection of mediators.* The board shall select mediators who are residents of this state, who have the character and ability to serve as mediators and who have knowledge of financial or agricultural matters or of mediation processes. The board shall ensure that each mediator receives sufficient training in mediation processes, resolving conflicts, farm finance and management and the farm credit system and practices to enable the mediator to perform his or her functions under this section.

(am) *Selection of arbitrators.* The board shall select arbitrators who are residents of this state, who have the character and ability to serve as arbitrators and who have knowledge of financial or agricultural matters or of arbitration processes. The board shall ensure that each arbitrator receives sufficient training in arbitration processes, resolving conflicts, farm finance and management and the farm credit system and practices to enable the arbitrator to perform his or her functions under this section.

(b) *Compensation of mediators and arbitrators.* Mediators and arbitrators shall be compensated for travel and other necessary expenses in amounts approved by the board.

(c) *Immunity of mediators and arbitrators.* Mediators and arbitrators are immune from civil liability for any act or omission within the scope of their performance of their powers and duties under this section.

(d) *Forms and publicity.* The board shall prepare all forms necessary for the administration of this section and shall ensure that forms are disseminated and that the availability of mediation and arbitration under this section is publicized.

(e) *Exclusion from open records law.* All mediators and arbitrators shall keep confidential all information and records obtained in conducting mediation and arbitration. The board shall keep confidential all information and records that may serve to identify any party to mediation and arbitration under this section. Any information required to be kept confidential

under this paragraph may be disclosed if the board and the parties agree to disclosure.

(f) *Rule making.* The board may promulgate rules necessary to implement this section. The board may promulgate rules defining owners and creditors of agriculturally related businesses and permitting owners and creditors of such businesses to participate in mediation and arbitration subject to the same terms and conditions applicable to farmers and creditors under this section.

(2m) SUSPENSION OF COURT ACTION TO ALLOW FOR VOLUNTARY MEDIATION OR ARBITRATION. (a) During the pendency of any action brought by a creditor against a farmer, the court may, upon the written stipulation of all parties to the action that they wish to engage in mediation or arbitration under this section, enter an order suspending the action.

(b) A suspension order under par. (a) suspends all orders and proceedings in the action for the time period specified in the suspension order. In specifying the time period, the court shall exercise its discretion for the purpose of permitting the parties to engage in mediation or arbitration without prejudice to the rights of any person. The suspension order may include such other terms and conditions as the court may deem appropriate. The suspension order may be revoked upon motion of any person or upon motion of the court.

(c) If all parties to the action agree, by written stipulation, that all issues before the court are resolved by mediation or arbitration under this section, the court shall dismiss the action.

(d) If the parties do not agree under par. (c) or if the court revokes the suspension order under par. (b), the action shall proceed as if no mediation or arbitration had been attempted.

(3) MEDIATION PROCESS. (a) *Disputes for mediation.* A farmer or creditor wishing to resolve a dispute between them involving the farmer's agricultural property and the creditor's claim affecting the agricultural property, either before an action has been initiated to which they are parties or after entry of a suspension order in an action to which they are parties under sub. (2m), may participate in mediation under this section in accordance with this subsection.

(b) *Request for mediation; agreement to mediate.* To participate in mediation, the farmer or creditor shall submit a request for mediation to the board on forms prepared by the board. The board may not proceed under this section until the farmer and creditor have submitted an agreement to mediate.

(e) *Selection of mediator.* If the board has obtained the agreement under par. (b), the farmer and creditor may request the board to provide the names, mailing addresses and qualifications of up to 3 mediators located in the geographical area in which the agricultural property or farmer is located. The parties shall

select a mediator or, upon request of the parties, the board shall designate a mediator for the parties.

(f) *Mediation.* The function of the mediator is to encourage a voluntary settlement among the parties. The mediator may not compel a settlement. The mediator shall schedule meetings of the parties, direct the parties to prepare for the meetings, attempt to achieve a mediated resolution to the issues among the parties and, if the parties request, assist the parties in preparing a written agreement.

(g) *Effect of mediation.* The parties may at any time withdraw from mediation. The parties have full responsibility for reaching and enforcing any agreement among them. After the expiration of the time period specified in the suspension order under sub. (2m), the parties may no longer participate in the mediation process regarding the same subject matter under this section unless the parties and the mediator agree to continue the mediation.

(4) *ARBITRATION PROCESS.* (a) *Disputes for arbitration.* A farmer or creditor wishing to resolve a dispute between them involving the farmer's agricultural property and the creditor's interest in a mortgage, land contract, lien, security interest or judgment affecting the agricultural property, either before an action has been initiated to which they are parties or after entry of a suspension order in an action to which they are parties under sub. (2m), may participate in arbitration under this section in accordance with this subsection and subject to ch. 788.

(b) *Request for arbitration; agreement to arbitrate.* To participate in arbitration, the farmer and creditor under par. (a) shall submit a request for arbitration to the board on a form prepared by the board. After receipt of the request, if the parties wish to proceed to arbitration under this subsection, the board shall require the parties to enter into an agreement to binding arbitration on a form prepared by the board.

(c) *Selection of arbitrator.* After the board has obtained the agreement under par. (b), the farmer and the creditor may request the board to provide the names, mailing addresses and qualifications of up to 3 arbitrators located in the geographical area in which the agricultural property or farmer is located. The parties shall select an arbitrator or, upon request of the parties, the board shall designate an arbitrator for the parties.

(5) *OTHER CREDITORS; NO DELAY.* With respect to mediation or arbitration between parties before an action has been initiated to which they are parties, no agreement to mediate or to arbitrate, or the fact that mediation or arbitration is currently occurring, may have the effect of delaying, postponing or extending any time limits in any legal proceeding commenced to enforce a mortgage, land contract, lien, security interest or judgment commenced by a creditor other than the creditor or creditors participating in the mediation or arbitration.

(6) *SUNSET.* This section does not apply after June 30, 1991.

SECTION 2221p. 93.51 of the statutes is created to read:

93.51 Farmer assistance. The department may provide consultation and assistance to distressed farmers, which may include but is not limited to operating a program in which volunteers advise farmers about financial matters and other concerns and operating a crisis hotline for farmers. In addition, the department may make grants to low-income farmers for the purpose of paying all or part of the tuition for a farmer who enrolls in a course on farm and business management techniques offered by a vocational, technical and adult education school. This section does not apply after June 30, 1991.

SECTION 2224. 94.10 (1) (em) of the statutes is created to read:

94.10 (1) (em) "Officially inspected source" means a nursery or dealer licensed by the department under this section, or a source outside the state which is officially recognized by the department under sub. (5).

SECTION 2225. 94.10 (2) (a) of the statutes is amended to read:

94.10 (2) (a) ~~All nurseries~~ The department shall inspect any nursery, heeling-in grounds and all ground or other premises on which nursery stock is kept for sale in the state shall be inspected at such intervals as the department considers necessary, except that the premises and nursery stock of a nurseryman shall be inspected at least once each year. Every nurseryman and dealer shall maintain facilities which are adequate for the care and keeping of nursery stock in a healthy and viable condition pending sale. ~~It is the duty of every~~ Every nurseryman ~~or~~ and dealer ~~to~~ shall remove from sale any nursery stock incapable of reasonable growth and ~~to~~ remove from sale and treat or destroy stock infested or infected with injurious pests to prevent the spread of further infection or infestation. No nurseryman or dealer may buy, sell or distribute nursery stock except from officially inspected sources, or sell or distribute nursery stock infested or infected with injurious plant pests or in such damaged or desiccated condition as to be incapable of reasonable growth.

SECTION 2226. 94.43 (4m) of the statutes is amended to read:

94.43 (4m) The fees imposed under subs. (3) and (4) shall be credited to the appropriation under s. 20.115 (2) (7) (gm).

SECTION 2226g. 94.64 (4) (an) of the statutes is amended to read:

94.64 (4) (an) In addition to the fees under pars. (a) and (am), a groundwater fee of 10 cents per ton shall be paid to the department for all fertilizers sold or distributed in this state, with a minimum fee of \$1 for aggregate sales of 10 tons or less. All moneys collected under this paragraph shall be credited to the ~~ground-~~

water environmental fund for groundwater management.

SECTION 2226m. 94.64 (4) (ar) of the statutes is created to read:

94.64 (4) (ar) In addition to the fees under pars. (a), (am) and (an), a research fee of 10 cents per ton shall be paid to the department for all fertilizers sold or distributed in this state, with a minimum fee of \$1 for sales of 10 tons or less. The department shall deposit all moneys collected under this paragraph in the appropriation under s. 20.285 (1) (hm).

SECTION 2226r. 94.65 (6) (a) 4 of the statutes is amended to read:

94.65 (6) (a) 4. Annually by March 15, pay to the department a groundwater fee of 10 cents for each ton of soil or plant additive distributed, as described in the tonnage report filed under subd. 1. The minimum groundwater fee is \$1 for 10 tons or less. All groundwater fees shall be credited to the groundwater environmental fund for groundwater management.

SECTION 2227. 94.68 (4) (a) (intro.) of the statutes is amended to read:

94.68 (4) (a) (intro.) The department shall deposit the following amounts in the appropriation under s. 20.115 (4) (7) (i):

SECTION 2227m. 94.68 (4) (b) (intro.) of the statutes is amended to read:

94.68 (4) (b) (intro.) The department shall deposit the following amounts in the groundwater environmental fund under s. ~~25.48 (2)~~ 25.46 for groundwater management:

SECTION 2227n. 94.68 (4) (c) of the statutes is amended to read:

94.68 (4) (c) The department shall deposit an amount equal to one-third of the supplementary license fees received under sub. (3) (a) in the environmental repair fund under s. 25.46 for environmental repair.

SECTION 2227p. 94.681 of the statutes is created to read:

94.681 Well compensation fee. (1) In this section:

(a) "Licensee" means a person required to obtain a license under s. 94.68.

(b) "Primary producer" means a licensee that manufactures an active ingredient which is used to manufacture or produce a pesticide.

(2) No primary producer may manufacture, formulate, distribute, package, label or otherwise produce pesticides for sale or distribution in this state unless the primary producer pays an annual well compensation fee of \$150.

(3) The department shall collect the well compensation fee at the same time that annual and supplemental license fees are collected under s. 94.68. The moneys collected under this subsection shall be credited to the environmental fund for environmental repair.

~~SECTION 2227r. 95.16 of the statutes is repealed.~~
SECTION 2227r. 95.177 of the statutes is created to read:

95.177 Lyme disease research. The animal health and disease research board shall award funds appropriated under s. 20.115 (2) (d) to applicants for research on Lyme disease in farm animals, as defined in s. 951.01 (3). All funded research projects shall be conducted in this state. The board shall monitor the fiscal status of research projects funded under this section.

SECTION 2227um. 95.232 of the statutes is created to read:

95.232 Confidentiality of paratuberculosis records. Any information kept by the department that identifies the owners of livestock herds infected, or suspected of being infected, with paratuberculosis is not subject to inspection or copying under s. 19.35 except as the department determines is necessary to protect the public health, safety or welfare.

SECTION 2227v. 95.27 (2m) of the statutes is created to read:

95.27 (2m) The department may enter into agreement with a herd owner, under which the department agrees to pay costs of testing and vaccinating swine for pseudorabies. The department may pay the entire cost of testing and vaccinating an infected herd, and up to 50% of the cost of testing and vaccinating high-risk herds which are not yet known to be infected.

SECTION 2227x. 95.27 (4) of the statutes is amended to read:

95.27 (4) Subject to sub. (5), the department shall indemnify from state or federal funds the owner of ~~breeding swine over 6 months of age~~ that have been condemned and destroyed under this section. ~~The For breeding swine over 6 months of age, the department shall pay to the owner \$25 for each animal. For other swine condemned and destroyed before July 1, 1991, under this section, the department shall pay an amount determined under s. 95.31. State payments shall be made from the appropriation under s. 20.115 (2) (b) for breeding swine over 6 months of age. State payments shall be made from the appropriation under s. 20.115 (2) (cm) for other swine condemned and destroyed before July 1, 1991, under this section.~~

SECTION 2227z. 95.31 (3) of the statutes is amended to read:

95.31 (3) In addition to the indemnities for specific animal diseases provided under ss. 95.25, 95.26, 95.27 and 95.35 or under special emergency programs, the department shall pay indemnities on livestock condemned and destroyed because of unknown or unidentified contagions or infections, the cause or nature of which cannot be fully determined at the time of condemnation. Indemnities for unknown or unidentified diseases shall be equal to the difference between net salvage and appraised or agreed values, but not to exceed \$600. As used in this subsection,

Vetoed
in Part

"livestock" means bovines, equines, swine, sheep, goats and poultry.

SECTION 2227zm. 97.20 (3m) of the statutes is created to read:

97.20 (3m) CONFIDENTIALITY. Any information kept by the department under this section or s. 97.24 that identifies individual milk producers who deliver milk to a dairy plant licensed under this section and that is a composite list for that dairy plant is not subject to inspection under s. 19.35 unless inspection is required under s. 100.06 (4) or unless the department determines that inspection is necessary to protect the public health, safety or welfare.

SECTION 2227zp. 97.22 (10) of the statutes is created to read:

97.22 (10) CONFIDENTIALITY. Any information obtained and kept by the department under this section, under s. 97.24 or 97.52, or under rules promulgated under those sections, that pertains to individual milk producer production, milk fat and other component tests and quality records is not subject to inspection under s. 19.35 except as required under s. 100.06 (4) or except as the department determines is necessary to protect the public health, safety or welfare.

SECTION 2228. 97.29 (1) (g) 7 of the statutes is amended to read:

97.29 (1) (g) 7. The receipt and salvaging of distressed food for sale or use as food if the food is received, salvaged and used solely by a charitable organization and if contributions to the charitable organization are deductible by corporations in computing net income under s. ~~71.02 (1) (e) (intro.)~~ 71.26 (2) (a).

SECTION 2228c. 97.29 (2) (a) of the statutes is amended to read:

97.29 (2) (a) *Requirement*. Except as provided under par. (b), no person may operate a food processing plant without a valid license issued by the department for that food processing plant. A license expires on March 31 annually. Each food processing plant shall have a separate license. A license is not transferable between persons or locations. Application for a license shall be made on a form provided by the department and be accompanied by the applicable fees required under sub. (3) ~~and the sworn statement required under s. 100.03 (2)~~. An applicant shall identify the categories of food processing activities which the applicant proposes to conduct at the food processing plant. An application shall include additional information which may reasonably be required by the department for licensing purposes.

SECTION 2228g. 97.29 (3) (d) of the statutes is amended to read:

97.29 (3) (d) *Surcharge for operating without a license*. An applicant for a food processing plant license shall pay a license fee surcharge if the department determines that, within one year prior to submitting a license application, the applicant operated the food processing plant without a license in violation of

this subsection. The amount of the surcharge is \$100, ~~or \$500 in the case of a food processing plant buying farm products from producers~~. Payment of this license fee surcharge does not relieve the applicant of any other civil or criminal liability which results from the unlicensed operation of the food processing plant, but does not constitute evidence of a violation of any law.

SECTION 2228L. 97.29 (4) of the statutes is repealed and recreated to read:

97.29 (4) FOOD PROCESSING PLANTS BUYING FARM PRODUCTS FROM PRODUCERS. The department may not issue or renew a license to operate a food processing plant to any applicant who is a contractor, as defined in s. 100.03 (1) (f), unless the applicant complies with s. 100.03.

SECTION 2228p. 100.03 of the statutes is repealed and recreated to read:

100.03 Farm product procurement; financial security; grading and tare. (1) DEFINITIONS. In this section:

(a) "Affiliate" means any of the following persons or business entities that procures farm products for use by an operator:

1. An officer, director, partner, major stockholder, employee or agent of the operator.

2. A corporation or business entity which is owned, controlled or operated by any of the persons specified under subd. 1.

(b) "Asset" means anything of value owned.

(c) "Balance sheet" means a statement of assets, liabilities and equity on a specific date.

(d) "Cash payment" means payment in the form of currency, certified check, money order, barter or advance money transfer arrangement with a bank that is evidenced in writing.

(e) "Certified financial statement" means a financial statement that, in the accompanying opinion of an independent certified public accountant or a public accountant holding a certificate of authority under ch. 442, fairly and in all material respects represents the financial position of the contractor, the results of the contractor's operations and the contractor's cash flows in conformity with generally accepted accounting principles.

(f) "Contractor" means a person who buys farm products grown in this state from a producer, or who contracts with a producer to grow farm products in this state, regardless of whether the contractor is located in this state or is engaged in food processing. "Contractor" does not include any of the following:

1. A person who procures fruits and vegetables primarily for unprocessed fresh market use and is licensed under the federal perishable agricultural commodities act, 7 USC 499.

2. A restaurant or retail food establishment that procures farm products solely for retail sale at the restaurant or retail food establishment.

(g) "Cooperative pooling" means a cooperative marketing method under which a producer-owned

cooperative or organization pays its producer owners a prorated share of sales proceeds for the marketing year after a final accounting and the deduction of marketing expenses.

(h) "Current assets" means cash and assets, including trade or investment items, that may be readily converted into cash in the ordinary course of business within one year.

(i) "Current liabilities" means those liabilities that are due and payable within one year.

(j) "Equity" means the excess of total assets over total liabilities.

(k) "Equity statement" means a report of the change in equity from the beginning to the end of the accounting period applicable to the report.

(n) "Farm product" means any fruit or vegetable that is grown or sold for use in food processing, whether or not that fruit or vegetable is actually processed as food. "Farm product" includes sweet corn, but does not include grain.

(o) "Financial statement" means a financial statement that meets the requirements of sub. (5).

(p) "Food processing" has the meaning specified under s. 97.29 (1) (g).

(q) "Food processing plant" has the meaning specified under s. 97.29 (1) (h).

(r) "Income statement" means a report of the financial results of business operations for a specific period.

(s) "Interim statement" means a financial statement prepared as of a date other than the end of a fiscal year.

(t) "Liability" means an obligation to pay money or other assets or to render a service to another person immediately or in the future.

(u) "Maximum liability to producers" means the largest aggregate amount of obligations to producers owed by a contractor at any time during a registration year.

(um) "Operator" means a person licensed or required to be licensed under s. 97.29 to operate a food processing plant.

(v) "Payment on delivery" means cash payment of the full agreed price for a farm product when the farm product is tendered or delivered to a contractor, or cash payment of the full agreed price within 72 hours after delivery if the farm product is graded.

(vm) "Procurement contract" means an oral or written agreement between a contractor and a producer, under which the contractor buys a farm product grown in this state from the producer or contracts with the producer to grow a farm product in this state.

(w) "Producer" means a person who produces and sells a farm product, or who grows a farm product under contract.

(wm) "Producer claim" means a claim held by a producer for his or her farm products.

(x) "Registration certificate" means a registration certificate issued under sub. (2).

(y) "Registration year" means the period to which a registration certificate applies.

(z) "Statement of cash flows" means a report of cash receipts and cash payments from operating, investing and financing activities, including an explanation of changes in cash and cash equivalents for the period applicable to the report.

(zm) "Subsidiary" means a corporation or business entity that is owned, controlled or operated by an operator, and that procures a farm product for use by the operator.

(zp) "Verified financial statement" means a contractor's financial statement that is compiled by an independent certified public accountant or a public accountant holding a certificate of authority under ch. 442 and that contains a notarized statement, signed and sworn to by the contractor or an officer of the contractor, that the financial statement is correct.

(2) REGISTRATION CERTIFICATE. (a) *Requirement.* No contractor may enter into a procurement contract with a producer unless the contractor holds a registration certificate from the department. A registration certificate expires on March 31 annually and is not transferable.

(b) *Application.* Application for a registration certificate shall be made on a form provided by the department. The application shall be accompanied by all of the following:

1. All applicable fees required under sub. (3).
2. The sworn and notarized statement required under sub. (4).

3. A financial statement if required under sub. (5).

(3) FEES. (a) *Registration fees.* A contractor who applies for a registration certificate under sub. (2) shall pay all of the following:

1. A basic fee of \$50.
2. Unless the department by rule establishes a different fee, a fee of one cent for each \$100 in the total contractual obligations reported under sub. (4) (a). The fee under this subdivision is not required if all farm product grading is performed or supervised by the department under contract with the contractor.

(b) *Surcharge for operating without a registration certificate.* A contractor who applies for a registration certificate under sub. (2) shall pay a surcharge of \$500 if the department determines that, within 365 days before submitting the application, the contractor procured a farm product from a producer without a registration certificate in violation of sub. (2). Payment of the surcharge does not relieve the contractor of any other civil or criminal liability that results from the procurement of the farm product, but it does not constitute evidence of any law violation.

(4) STATEMENT TO ACCOMPANY APPLICATION. An application for a registration certificate under sub. (2) shall be accompanied by a sworn and notarized state-

ment, signed by the contractor or an officer of the contractor, which states all of the following:

(a) The contractor's total paid and unpaid contractual obligations to producers, for farm products tendered or delivered, that have accrued during the registration year immediately preceding the registration year for which application is made.

(b) The contractor's maximum liability to producers during the year immediately preceding the registration year for which application is made, if applicable.

(c) The contractor's anticipated maximum liability to producers during the registration year for which application is made. The application shall state if the contractor anticipates a maximum liability of zero. If so, the application also shall state whether the contractor anticipates a maximum liability of zero because the contractor plans to make cash payment on delivery under every procurement contract, or because the contractor plans to procure all farm products from another contractor. A contractor shall immediately notify the department in writing if, at any time during the registration year, the contractor has reason to believe that the contractor's maximum liability will exceed the maximum liability previously anticipated and reported to the department.

(d) Whether, on the date of application, the contractor has failed to pay a liability to a producer which is due and payable before that date.

(e) Whether the contractor and the contractor's affiliates and subsidiaries will collectively grow more than 10% of the acreage of any vegetable species grown or procured by the contractor during the registration year for which application is made, as provided under s. 100.235 (3).

(f) Whether the contractor is a producer-owned cooperative or organization doing business on a cooperative pooling basis with its producer owners, and whether the producer-owned cooperative or organization procures any farm products from producers who are not its producer owners.

(5) FINANCIAL STATEMENTS. (a) *General requirement.* 1. Except as provided under par. (c), a contractor who applies for an initial registration certificate under sub. (2) shall file a financial statement with the application.

2. Except as provided under par. (c), a contractor shall file an annual financial statement with the department as a condition to the renewal or continuation of the contractor's registration certificate under sub. (2). An annual financial statement shall be filed by the 15th day of the 4th month commencing after the close of the contractor's fiscal year.

(b) *Additional or interim statement.* Notwithstanding par. (c), the department may require a contractor to file a financial statement or interim statement at any time.

(c) *Exemptions.* Paragraph (a) does not apply to any of the following:

1. A contractor who either plans to make payment on delivery for all farm products tendered or delivered by producers, or to procure all farm products from another contractor, and who submits a sworn and notarized statement to that effect under sub. (4) (c).

2. A contractor who files security with the department under sub. (8).

3. A producer-owned cooperative or organization that procures farm products solely on a cooperative pooling basis from its producer owners, and that submits under sub. (4) a sworn and notarized statement to that effect.

(d) *Financial statement contents.* A financial statement under this subsection shall consist of a balance sheet, income statement, equity statement, statement of cash flows, and any other information required by the department. A financial statement shall be prepared in conformity with generally accepted accounting principles.

(e) *Certified or verified financial statement.* A financial statement under this subsection may be a certified or verified financial statement, except that if during the year to which that financial statement pertains a contractor incurred total contractual obligations to producers, as reported under sub. (4) (a), of more than \$250,000, the financial statement shall be certified.

(f) *Closed to public inspection.* Notwithstanding s. 19.35, a financial statement under this subsection may not be made available for public inspection. The department may use a financial statement in an enforcement action, administrative proceeding or court proceeding, and in that action or proceeding may release the financial statement to the parties, the hearing officer or the court under such conditions as the department or court considers appropriate. Except by agreement of the parties, a financial statement may not be made a part of the public record in an administrative or court proceeding, except as ordered by a court.

(6) PAYMENT TO PRODUCERS. (a) *Full payment required.* Except as provided under par. (c) or (d), the department may not issue or renew a registration certificate under sub. (2) unless the contractor has paid all liabilities to producers that are due and payable before the date of application, as indicated by a sworn and notarized statement under sub. (4) (d). Notwithstanding par. (b), a contractor shall make payment on delivery unless the contractor meets the minimum financial standards under sub. (7) or files security with the department under sub. (8).

(b) *Payments; when due.* 1. If a procurement contract does not specify a payment date in writing, the contractor shall pay a liability to a producer by the 15th day of the month immediately following the month in which the producer tendered or delivered the farm products under the contract, or by an earlier date agreed upon between the parties.

2. If a procurement contract specifies a payment date in writing, payment shall be made by the specified

date. No contract may specify a payment date in violation of subd. 3 or 4.

3. By January 31 of each registration year, a contractor shall pay for all farm products that were delivered by producers on or before December 31 of that registration year. This requirement does not apply if a written contract specifying a later payment date was approved by a vote of producers who delivered farm products to the contractor during the preceding registration year. To obtain the approval of producers, a contractor shall give advance written notice to every eligible producer. The notice shall include a copy of the proposed contract and shall announce a meeting at which producers will be asked to vote on the proposed contract. The notice shall also include a mail ballot by which a producer may cast his or her vote without attending the meeting. Voting shall be by secret ballot. The proposed contract shall be approved by a majority of the producers who vote on the proposed contract. The contractor shall file a sworn statement with the department, on a form provided by the department, certifying the results of the balloting.

4. If a producer tenders or delivers farm products to a contractor after December 31 of any registration year, the contractor shall pay the producer for the farm products by the 15th day of the month following the month in which the farm products were tendered or delivered, or within 30 days after tender or delivery.

(c) *Disputed producer obligations.* If a contractor is unable to satisfy the requirement under par. (a) solely because the amount of a liability to a producer is disputed, the department may issue or renew the contractor's registration certificate if the contractor deposits the disputed amount in escrow with the department, pending resolution of the dispute.

(d) *Producer-owned cooperatives exempt.* This subsection does not apply to a producer-owned cooperative or organization doing business solely on a cooperative pooling basis with its producer owners.

(7) **MINIMUM FINANCIAL STANDARDS.** (a) *Requirement.* Except as provided under par. (c), a contractor shall meet all of the following financial standards:

1. The contractor's ratio of current assets to current liabilities shall be at least 1.2 to 1.

2. The contractor's total assets shall exceed total liabilities.

(b) *Notification of changes.* A contractor shall immediately notify the department if the contractor knows or has reason to know that the financial standards under par. (a) are no longer being met.

(c) *Exemptions.* A contractor is not required to meet the financial standards under par. (a) if any of the following applies:

1. The contractor makes payment on delivery for all farm products obtained from producers.

2. The contractor files security with the department under sub. (8).

3. The contractor is a producer-owned cooperative organization doing business solely on a cooperative pooling basis with its producer owners.

(8) **SECURITY.** (a) *Requirement.* A contractor shall file security with the department under this subsection unless one or more of the following apply:

1. The contractor makes payment on delivery for all farm products obtained from producers.

2. The contractor meets the minimum financial standards under sub. (7).

3. The contractor is a producer-owned cooperative or organization doing business solely on a cooperative pooling basis with its producer owners.

(b) *Form of security.* Security filed with the department under this subsection shall be in one or more of the following forms:

1. A continuous surety bond payable to the department on a form approved by the department and endorsed by a surety company licensed to do business in this state.

2. Cash or negotiable securities.

3. Stocks, bonds or other marketable securities at current market value.

4. Irrevocable bank letters of credit issued for a term of at least 6 months beyond the date on which final payment is due the producers.

5. Personal surety bonds or other 3rd-party guarantees that are supported by security under subd. 2 or 3.

6. If the contractor is an operator, a food processing plant trusteeship under which processed farm products equivalent to not less than 30% of the raw farm products received from producers are set aside in trust for the producers.

(bg) *Department custody of security.* The department or the department's agent shall hold under custody any of the forms of security filed under par. (b) 1 to 5.

(bm) *Trusteeship agreement under par. (b) 6.* 1. The trusteeship agreement shall be executed in writing and shall do all of the following:

a. Provide that no portion of the set-aside products may be released from trust unless an amount equivalent to the value of the released products has been paid to producers or to the trustee for payment to producers. Payments under this subd. 1. a shall be made to all producers to whom liabilities are owed, in proportionate amounts based on the size of the liability to each producer.

b. Designate an independent trustee, approved by the department, who is responsible for administering the trusteeship on behalf of producers.

c. Designate an individual responsible for carrying out the agreement on behalf of the contractor.

d. Provide that the trustee holds a first priority security interest in the set-aside inventory, and in the proceeds and accounts receivable from that inventory.

e. Specify that the applicant agrees to pay all expenses of the trust.

2. The agreement shall be signed by the independent trustee under subd. 1. b and by the individual responsible for carrying out the agreement under subd. 1. c.

3. The security interest under subd. 1. d shall be properly created, and shall be filed by the trustee with the secretary of state under ch. 409.

(c) *Amount of security.* Security under this subsection shall be in an amount equal to at least 75% of the contractor's anticipated maximum liability during the registration year for which application is made.

(d) *Release of security.* Security filed under this subsection may be released only if one of the following occurs:

1. The contractor achieves and maintains for 2 consecutive registration years the minimum financial standards under sub. (7).

2. The contractor demonstrates to the department's satisfaction that the contractor is able to pay liabilities to producers when due because of a substantial reduction in maximum liability or other reasons.

(9) **PRODUCER CLAIMS; DEFAULT PROCEEDINGS.** (a) *Filing claims.* If a producer claims that a contractor has failed to pay a liability to that producer when due, the producer may file a written claim with the department. Upon receipt of a producer claim, or other evidence of default on the part of a contractor, the department may initiate a default proceeding under this subsection. Before initiating a default proceeding, the department may inspect the contractor's records under sub. (16), and conduct any investigation that it considers appropriate.

(b) *Initiating default proceeding; order to producer claimants.* To initiate a default proceeding, the department shall issue an order requiring all interested producers to file verified proofs of claim with the department before a specified date or be barred from participating in any recovery obtained by the department. Notice of the order shall be published as follows:

1. By posting a copy of the order in a prominent location at each place of business in this state operated by the contractor.

2. By mailing a copy of the order to the contractor, and to the trustee or surety, if any.

3. By publishing the contents of the order as a class 3 notice under ch. 985. The date of the last insertion of the class 3 notice under ch. 985 shall be not less than 30 days before the deadline date for filing claims.

4. If based on the contractor's records or other information the department obtains the names and addresses of other producers who appear to have an unpaid claim against the contractor, by mailing a copy of the order or equivalent notice to each of those producers. In its notice, the department may indicate the amount of the producer's apparent claim, and ask the

producer to verify or correct that claim on or before the claim filing deadline.

5. By any additional method which the department considers necessary and appropriate.

(c) *Audit; proposed order.* If a default proceeding is initiated, the department shall audit producer claims filed with the department and shall issue a proposed order allowing or disallowing claims. The proposed order shall be based on proposed findings of fact and conclusions of law which shall accompany the proposed order. A copy of the proposed order shall be mailed to the contractor, to the trustee or surety, if any, and to every producer who filed a claim in the proceeding.

(d) *Untimely claims disallowed.* Claims filed after the deadline date specified under par. (b) shall be disallowed unless the department waives the deadline date for good cause shown. A claim shall be disallowed if payment was due more than 60 days before the date on which the first written notice of default was received by the department.

(e) *Notice and hearing.* The department shall hold a public hearing on its proposed order under par. (c). A notice of hearing shall be issued to each person who is required to receive a copy of that order. The notice of hearing shall comply with s. 227.44. The notice of hearing may require affected parties to file objections to the proposed order, if any, in writing before the date of hearing. The hearing examiner may hold a prehearing conference before the hearing, and may reschedule or continue the hearing as necessary. The hearing and related proceedings shall be conducted under ch. 227.

(f) *Final order after hearing.* Before issuing its final decision and order, the department shall follow the procedure prescribed under s. 227.46, except that if after the hearing under par. (e) there are no objections to the proposed order under par. (c) the department may adopt the proposed order as the final decision and order of the department, without further notice or hearing.

(g) *Interest on claims.* If the department's proposed or final order allows a producer claim, the order shall also require the contractor to pay interest on the claim, at a rate determined by the department by rule, computed from the date on which payment was first due.

(10) **PAYMENT OF SECURED CLAIMS.** If the department issues a final order allowing producer claims under sub. (9), the department may convert any security held by the department under sub. (8) and may apply the proceeds to pay the allowed claims. The department shall distribute available funds to the producer claimants according to the final order allowing claims, on a proportionate basis according to the amount of each producer's allowed claim. If funds exceed allowed claims, the excess shall be returned to the person who filed the security with the department.

(11) DEPARTMENT MAY COLLECT PRODUCER CLAIMS. The department may demand and receive payment of claims allowed under sub. (9) on behalf of producers and may commence an action in court to recover allowed claims on behalf of producers. Any amounts recovered by the department shall be distributed to represented producer claimants on a proportionate basis, according to the amount of each producer's allowed claim. The department may settle any producer claim with the consent of the producer and may decline to represent a producer who does not agree to a settlement recommended by the department. This subsection does not prohibit any producer from proceeding independently, under sub. (12) or (20), to recover an unpaid claim.

(12) DEMAND FOR PAYMENT; JUDGMENT LIEN. If the department issues a final order allowing producer claims under sub. (9), the department or any producer may demand payment of an allowed claim from the contractor, and from any other person who is obligated under the department's order. If the contractor does not pay the claim within 30 days after the demand is served on the contractor, the department or producer may file the department's final order with the clerk of circuit court in any county of this state. The clerk of court shall docket the order as a judgment. Upon being docketed, the order becomes a judgment lien against the real property, in that county, of the contractor or person obligated under the order.

(13) PRIORITY OF PRODUCER CLAIMS. In any insolvency or creditor's proceeding in court against a contractor, the unpaid claim of a producer under this section has the same priority as a claim for wages under s. 109.09 (2). Producer claims have priority over the unsecured claims of any owner, officer, agent, partner, stockholder or family member of the contractor. Producer claims shall be given the same priority as a claim for wages under s. 109.09 (2) in federal bankruptcy proceedings, to the extent permitted by federal law. This subsection does not impair any other lien, security or priority for a producer claim.

(14) OPERATOR LIABILITY FOR CLAIMS NOT PAID BY SUBSIDIARY OR AFFILIATE. If a contractor is a subsidiary or affiliate of an operator, the operator is liable to a producer for the amount of any unpaid claim under this section if the contractor fails to pay the producer according to the terms of the procurement contract and this section.

(15) FARM PRODUCT GRADING AND TARE. (a) *Grading procedures and grade standards.* If under a procurement contract the amount received by the producer depends on the grade of the farm products, the farm products shall be graded in compliance with all of the following:

1. Standard procedures established by the department by rule.

2. Uniform grade standards established by the department by rule, unless alternative grade standards are clearly specified in writing in the procurement contract. Grade standards adopted by the department shall conform to grade standards adopted by the federal department of agriculture under 7 USC 1621 et seq.

(b) *Tare deductions.* If under any procurement contract there is a payment deduction for tare, tare shall be determined according to procedures established by the department by rule.

(c) *Price-fixing not permitted.* This subsection does not fix or regulate the price paid for any farm product.

(16) RECORDS; INSPECTION BY DEPARTMENT. A contractor shall keep copies of all written procurement contracts, and a current record of all liabilities to producers and payments to producers. Records and contracts under this subsection shall be kept for a period of 3 years, and shall be made available for inspection and copying by the department upon request.

(17) RULES. The department may promulgate rules to implement and administer this section.

(18) SUMMARY ORDER REQUIRING PAYMENT ON DELIVERY. If the department has reasonable grounds to believe that a contractor does not meet the minimum financial standards under sub. (7), and does not have adequate security on file under sub. (8), the department may issue a summary special order requiring the contractor to make payment on delivery for all farm products. A summary special order shall set forth the specific basis for the order. The order shall remain in effect until the contractor meets the financial standards under sub. (7) or files adequate security under sub. (8). A person adversely affected by a special order under this section shall be given a prompt hearing before the department upon request, under ch. 227.

(19) SUMMARY LICENSE SUSPENSION. (a) *Grounds.* The department may summarily suspend the contractor's registration certificate when necessary to prevent clear and imminent harm to producers if the department has reasonable grounds to believe that a contractor has failed to make payment on delivery for farm products, procured from producers, contrary to any of the following:

1. The contractor's statement under sub. (4) (c) or (f).

2. A department order under sub. (18).

(b) *Procedure for suspension.* A summary suspension order under this subsection shall set forth the specific basis for the order. A person adversely affected by a summary suspension order under this subsection may request a hearing before the department. The request must be made within 10 days after the suspension's date of service. The department shall conduct a hearing within 10 days after receipt of a request. A request for a hearing does not stay the effect of a sum-

mary suspension order, unless the department orders a stay.

(20) **PRIVATE REMEDY.** In addition to any other remedy, if a producer sustains a monetary loss as a result of a violation of this section by a contractor, including a failure by the contractor to pay a liability to a producer when due, the producer may bring an action and may recover the amount of the producer's proven damages, together with costs, including all reasonable attorney fees, notwithstanding s. 814.04 (1).

(21) **RESTRAINT OF TRADE NOT PERMITTED.** This section does not authorize any restraint of trade which is prohibited under state or federal law.

(22) **PENALTIES.** (a) *Forfeiture.* Any person who violates this section or any rule promulgated or order issued under this section may be required to forfeit not less than \$100 nor more than \$10,000. Notwithstanding s. 165.25 (1), the department may commence an action to recover a forfeiture under this paragraph.

(b) *Fine or imprisonment.* Any person who intentionally violates this section or any rule promulgated or order issued under this section shall be fined not less than \$100 nor more than \$10,000 or imprisoned for not more than one year in the county jail or both for each violation.

SECTION 2228s. 100.18 (8) of the statutes is amended to read:

100.18 (8) Every wholesaler and every other person selling or distributing motor fuel in this state shall keep posted in a conspicuous place, most accessible to the public at his or her place of business, and on every pump from which delivery is made directly into the fuel tank attached to a motor vehicle, a placard showing the net selling price per gallon of all grades of motor fuel and the amount of all taxes per gallon thereon. On pumps or other dispensing equipment from which motor fuel is sold and delivered directly into fuel supply tanks attached to motor vehicles, such posting shall be in figures not less than one inch high, except that no such placard shall be required on a computer pump whereon the total net selling price per gallon including all taxes is legibly shown on its face. All Except for sales to drivers of motor vehicles used by physically disabled persons under s. 134.85 (5), all sales shall be made at the posted price ~~and delivery.~~ Delivery slips shall also show the net selling price per gallon of all grades of motor fuel and the amount of all taxes per gallon thereon. If the wholesaler or person has more than one place of business in this state, the wholesaler or person shall post ~~said~~ that placard at all of his or her places of business. All prices posted shall remain in effect for at least 24 hours after they are posted. It shall be ~~deemed~~ considered deceptive advertising to advertise or represent in any manner the price of motor fuel offered for sale at retail to be less than the price so posted on each pump.

SECTION 2228t. 100.235 of the statutes is repealed and recreated to read:

100.235 Unfair trade practices in procurement of vegetable crops. (1) **DEFINITIONS.** In this section:

(a) "Affiliate" means any of the following persons or business entities:

1. An officer, director, partner, major stockholder, employe or agent of a contractor.

2. A corporation or business entity that is owned, controlled or operated by any of the persons under subd. 1.

(b) "Contractor" has the meaning given under s. 100.03 (1) (f).

(c) "Contractor's cost to grow" means the average cost, per unit weight of vegetable, incurred by the contractor and the contractor's subsidiaries and affiliates to grow a species of vegetable in a growing region, either during 3 of the preceding 5 years excluding the highest and lowest years, or, if the contractor has grown a vegetable species less than 5 consecutive years, during the most recent years available.

(d) "Growing region" means one or more geographic areas in which the department determines that the cost to grow a particular species of vegetable tends to be reasonably similar.

(e) "Producer" means any person who produces and sells vegetables, or who grows vegetables under contract.

(em) "Registration year" has the meaning given under s. 100.03 (1) (y).

(f) "Subsidiary" means a corporation or business entity that is owned, controlled or operated by a contractor.

(g) "Vegetable" means a vegetable grown or sold for use in food processing, whether or not it is actually processed as food. "Vegetable" includes sweet corn but does not include grain.

(g) "Vegetable procurement contract" means an agreement between a contractor and a producer, under which the contractor buys vegetables grown in this state from the producer or contracts with the producer to grow vegetables in this state.

(2) **CONTRACTOR MAY NOT PAY PRODUCER LESS THAN CONTRACTOR'S COST TO GROW.** If a contractor and the contractor's affiliates and subsidiaries collectively grow more than 10% of the acreage of any vegetable species grown and procured by the contractor in any registration year, the contractor shall pay a producer, for vegetables of that species tendered or delivered under a vegetable procurement contract, a price not less than the contractor's cost to grow that vegetable species in the same growing region. For vegetables contracted on a tonnage basis and for open-market tonnage purchased, acreage under this subsection shall be determined using the state average yield per acre during the preceding registration year.

(3) **ACREAGE GROWN; ANNUAL CERTIFICATION BY CONTRACTOR.** A contractor who applies under s. 100.03 (2) for an annual registration certificate, as defined under s. 100.03 (1) (x), shall submit with the application a sworn and notarized statement, signed

by the contractor or an officer of the contractor, indicating whether the contractor and the contractor's affiliates and subsidiaries intend to collectively grow more than 10% of the acreage of any vegetable species grown and procured by the contractor during the registration year for which application is made. A contractor shall immediately file an amended statement if, at any time during the registration year, the contractor has reason to believe that the contractor's original statement is inaccurate.

(4) **COST TO GROW; REPORT TO DEPARTMENT UPON REQUEST.** If the department determines that a contractor and the contractor's affiliates and subsidiaries will collectively grow more than 10% of the acreage of any vegetable species grown and procured by the contractor during a registration year, the department may require the contractor to file a statement of the contractor's cost to grow that vegetable species. The contractor shall file the report with the department within 30 days after the department makes its request, unless the department grants an extension of time. The department may permit the contractor to report different costs to grow for different growing regions if the contractor can define the growing regions to the department's satisfaction, and can show to the department's satisfaction that the contractor's costs to grow are substantially different between the growing regions.

(5) **DEPARTMENT INVESTIGATIONS; RESPONSE TO PRODUCER COMPLAINTS.** The department may, on its own initiative, investigate to determine whether any contractor has violated this section. If a producer or producer association files a written complaint with the department alleging a violation of sub. (2), the department shall investigate the complaint. The department is not required to investigate any complaint filed more than 180 days after the producer tendered or delivered the vegetables to the contractor.

(6) **ADDITIONAL REPORTS; INSPECTION AND AUDIT.** For purposes of an investigation under sub. (5), the department may require a contractor to submit reports of acreage, tonnages, costs to grow, and amounts paid to producers. The department may require that the reports be certified by a certified public accountant, or the department may inspect and audit the contractor's records to verify that the reports are accurate.

(7) **REPORTS ARE CONFIDENTIAL.** Reports submitted to the department under subs. (4) and (6) are confidential and not open to public inspection.

(8) **DEPARTMENT FINDINGS AND ORDER.** If the department completes an investigation in response to a complaint under sub. (5), the department shall issue written findings to the contractor and complainant, indicating whether the department has found a violation of sub. (2) by the contractor. If the department finds that the contractor has violated sub. (2), the department shall specify what it finds to be the contractor's cost to grow. Either the contractor or the

complainant may demand a public hearing on the department's finding, under ch. 227.

(9) **UNIFORM SYSTEM OF COST ACCOUNTING; DEPARTMENT RULES.** The department may promulgate rules prescribing a uniform system of cost accounting to be used by contractors in determining and reporting a contractor's cost to grow. The accounting system shall take into account cost differences attributable to factors affecting prices for vegetable species under vegetable procurement contracts.

(10) **PRIVATE REMEDY.** A producer who sustains a monetary loss as a result of a violation of this section by a contractor may recover the amount of the loss, together with costs, including all reasonable attorney fees, not withstanding s. 814.04 (1).

(11) **PENALTIES.** (a) *Forfeiture.* Any person who violates this section or any rule promulgated or order issued under this section may be required to forfeit not less than \$100 nor more than \$10,000. Notwithstanding s. 165.25 (1), the department may commence an action to recover a forfeiture under this paragraph.

(b) **FINE OR IMPRISONMENT.** Any person who intentionally violates this section shall be fined not less than \$100 nor more than \$10,000 or imprisoned for not more than one year in the county jail or both for each violation.

SECTION 2228z. 100.26 (5) of the statutes is amended to read:

100.26 (5) Any person violating s. ~~100.03~~ or 100.06 or any order or regulation of the department thereunder, or s. 100.18 (9), shall be fined not less than \$100 nor more than \$1,000, or imprisoned for not more than one year or both. Each day of violation constitutes a separate offense.

SECTION 2228zfc. 100.33 (1) (a) of the statutes is renumbered 100.33 (1) (ar).

SECTION 2228zfe. 100.33 (1) (a) of the statutes is created to read:

100.33 (1) (a) "Beverage" means any alcohol beverage, as defined in s. 125.02 (1), malt beverage, tea, bottled drinking water, as defined under s. 97.34 (1) (a), soda water beverage, as defined under s. 97.34 (1) (b), or fruit or vegetable juice or drink which is intended for human consumption.

SECTION 2228zfg. 100.33 (1) (ag) of the statutes is created to read:

100.33 (1) (ag) "Bottle" means a plastic container the neck of which is smaller than its body, with a screw-on or press-on lid.

SECTION 2228zfi. 100.33 (1) (g) of the statutes is created to read:

100.33 (1) (g) "Sales at retail" has the meaning given in s. 100.30 (2) (h).

SECTION 2228zfk. 100.33 (1) (h) of the statutes is created to read:

100.33 (1) (h) "Sales at wholesale" has the meaning given in s. 100.30 (2) (i).

SECTION 2228zfm. 100.33 (2) of the statutes is amended to read:

100.33 (2) LABELING RULES REQUIRED. The department shall promulgate rules establishing labeling requirements for plastic containers. The requirements shall be designed to provide information needed by operators of material recovery programs to facilitate the recycling, reclamation or reuse of plastic containers. The rules promulgated under this subsection shall permit a manufacturer of plastic containers and a person who places products in plastic containers to choose an appropriate method of labeling plastic containers. The department shall make an effort to develop rules which are consistent, to the greatest extent practicable, with national industry-wide plastic container coding systems. The rules shall exempt from the labeling requirements plastic containers that are readily identifiable because of their appearance and plastic containers for which there is no technological capability for recycling, reclamation or reuse or for which recycling, reclamation or reuse is not economically feasible. ~~The rules may exempt from the labeling requirements plastic containers of a capacity of less than a specified minimum size.~~ In determining the types of plastic containers to exempt from the labeling requirements, the department shall consult with the department of natural resources.

SECTION 2228zfp. 100.33 (3) of the statutes is repealed and recreated to read:

100.33 (3) PROHIBITION. (a) *Sale of plastic beverage bottles.* On and after January 1, 1991, no person may sell or offer for sale at wholesale in this state a plastic beverage bottle with a capacity of 8 fluid ounces or more, or a beverage in such a plastic bottle, unless the bottle complies with the labeling requirements under sub. (2). On and after January 1, 1992, no person may sell or offer for sale at retail in this state a plastic beverage bottle with a capacity of 8 fluid ounces or more, or a beverage in such a plastic bottle, unless the bottle complies with the labeling requirements under sub. (2).

(b) *Sale of other plastic bottles.* 1. On and after January 1, 1991, no person may sell or offer for sale at wholesale in this state any plastic bottle with a capacity of 16 fluid ounces or more, or a product in such a plastic bottle, unless the bottle complies with the labeling requirements under sub. (2). On and after January 1, 1992, no person may sell or offer for sale at retail in this state any plastic bottle with a capacity of 16 fluid ounces or more, or a product in such a plastic bottle, unless the bottle complies with the labeling requirements under sub. (2).

2. On and after January 1, 1993, no person may sell or offer for sale at wholesale in this state any plastic bottle with a capacity of at least 8 fluid ounces but less than 16 fluid ounces, or a product in such a plastic bottle, unless the bottle complies with the labeling requirements under sub. (2). On and after January 1, 1994, no person may sell or offer for sale at retail in this state any plastic bottle with a capacity of at least 8

fluid ounces but less than 16 fluid ounces, or a product in such a plastic bottle, unless the bottle complies with the labeling requirements under sub. (2).

3. Subdivisions 1 and 2 do not apply to the sale or offer to sell of plastic beverage bottles or beverages in plastic bottles.

(c) *Sale of other plastic containers.* 1. On and after January 1, 1991, no person may sell or offer for sale at wholesale in this state any plastic container with a capacity of 16 fluid ounces or more, or a product in such a plastic container, unless the container complies with the labeling requirements under sub. (2). On and after January 1, 1992, no person may sell or offer for sale at retail in this state any plastic container with a capacity of 16 fluid ounces or more, or a product in such a plastic container, unless the container complies with the labeling requirements under sub. (2).

2. On and after January 1, 1992, no person may sell or offer for sale at wholesale in this state any plastic container with a capacity of at least 8 fluid ounces but less than 16 fluid ounces, or a product in such a plastic container, unless the container complies with the labeling requirements under sub. (2). On and after January 1, 1993, no person may sell or offer for sale at retail in this state any plastic container with a capacity of at least 8 fluid ounces but less than 16 fluid ounces, or a product in such a plastic container, unless the container complies with the labeling requirements under sub. (2).

3. Subdivisions 1 and 2 do not apply to the sale or offer to sell of any plastic bottles or any products in plastic bottles.

SECTION 2228zm. 101.02 (15) (a) of the statutes is amended to read:

101.02 (15) (a) The department has such supervision of every employment, place of employment and public building in this state as is necessary adequately to enforce and administer all laws and all lawful orders requiring such employment, place of employment or public building to be safe, and requiring the protection of the life, health, safety and welfare of every employe in such employment or place of employment and every frequenter of such place of employment, and the safety of the public or tenants in any such public building. This paragraph ~~shall~~ does not apply to rural school buildings or, after June 29, 1975, to occupational safety and health issues covered by standards established and enforced by the federal occupational safety and health administration.

SECTION 2229. 101.04 (1) of the statutes is amended to read:

101.04 (1) The commission shall issue its decision in any case where petition for review is filed under ch. 102 or 108 or s. 66.191, 1981 stats., or s. 40.65 (2), ~~56.07 (7), 56.21, 101.22, 101.223 (4) or, 111.39, 303.07 (7) or 303.21.~~

SECTION 2229g. 101.05 of the statutes is amended to read:

101.05 (title) Exempt buildings and projects. (1) No building code adopted by the department under this chapter shall affect buildings located on research or laboratory farms of public universities or other state institutions and used primarily for housing livestock or other agricultural purposes.

(2) A bed and breakfast establishment, as defined under s. 50.50 (1), is not subject to rules on residential occupancy or to other building codes adopted by the department under this subchapter.

SECTION 2229h. 101.05 (3) of the statutes is created to read:

101.05 (3) No standard, rule, code or regulation of the department under this subchapter applies to construction undertaken by the state for the purpose of renovation of the state capitol building.

SECTION 2229hg. 101.12 (6) of the statutes is created to read:

101.12 (6) (a) By January 1, 1990, the department shall inspect all public schools constructed prior to January 1, 1950, to determine whether the schools comply with this subchapter and subch. IV, ch. 145 and life-safety plans established under par. (b) and to review the maintenance schedules established by school boards under s. 120.12 (5).

(b) The department shall promulgate rules relating to the enforcement of this subchapter and subch. IV and ch. 145 for public schools constructed before 1930 and establishing life-safety plans for all public schools.

SECTION 2229hm. 101.14 (2) (f) of the statutes is amended to read:

101.14 (2) (f) Every inspection required under pars. (b) to (cm) is subject to the supervision and direction of the department, which shall, after audit, certify to the commissioner of insurance after the expiration of each calendar year each city, village or town where the inspections for the year have been made, and where records have been made and kept on file as required under par. (e) ~~and s. 101.575 (3) (a) 5.~~

SECTION 2229i. 101.14 (5) of the statutes is amended to read:

101.14 (5) In addition to any fee charged by the department by rule for plan review and approval for the construction of a new or additional installation or change in operation of a previously approved installation for the storage, handling or use of flammable or combustible liquids, the department or its agent shall collect a groundwater fee of \$100 for each plan review submittal. The moneys collected under this subsection shall be credited to the groundwater environmental fund for groundwater management.

SECTION 2229ic. 101.143 (1) (a) of the statutes is renumbered 101.143 (1) (fg) and amended to read:

101.143 (1) (fg) "~~Commercial petroleum~~ Petroleum product storage system" means an underground petroleum product storage tank system that is located in this state and is used to store petroleum products

~~for resale.~~ The term does not include pipeline facilities, tanks of 110 gallons or less capacity, farm and residential tanks of 1,100 gallons or less capacity storing petroleum products that are not for resale, tanks used for storing heating oil for consumptive use on the premises where stored or tanks owned by this state or the federal government.

SECTION 2229id. 101.143 (1) (ad) of the statutes is created to read:

101.143 (1) (ad) "Bodily injury" does not include those liabilities which are excluded from coverage in liability insurance policies for bodily injury other than liabilities excluded because they are caused by a petroleum project discharge from a petroleum product storage system.

SECTION 2229ie. 101.143 (1) (cm) of the statutes is amended to read:

101.143 (1) (cm) "Home oil tank system" means an underground home heating oil tank used for consumptive use on the premises together with any on-site integral piping or dispensing system.

SECTION 2229if. 101.143 (1) (d) 1 of the statutes is amended to read:

101.143 (1) (d) 1. A person who operates a ~~commercial~~ petroleum product storage system, regardless of whether the system remains in operation and regardless of whether the person operates or permits the use of the system at the time environmental pollution occurs.

SECTION 2229ig. 101.143 (1) (e) 1 of the statutes is amended to read:

101.143 (1) (e) 1. A person who owns, or has possession or control of, a ~~commercial~~ petroleum product storage system, or who receives direct or indirect consideration from the operation of a system regardless of whether the system remains in operation and regardless of whether the person owns or receives consideration at the time environmental pollution occurs.

SECTION 2229ih. 101.143 (1) (g) of the statutes is repealed.

SECTION 2229ii. 101.143 (1) (gm) of the statutes is created to read:

101.143 (1) (gm) "Property damage" does not include those liabilities which are excluded from coverage in liability insurance policies for property damage, other than liability for remedial action associated with petroleum product discharges from petroleum product storage systems.

SECTION 2229j. 101.143 (1) (h) of the statutes is amended to read:

101.143 (1) (h) "Subsidiary or parent corporation" means a business entity, including a subsidiary, parent corporation or other business arrangement, that has elements of common ownership or control or that uses a long-term contractual arrangement with a person to avoid direct responsibility for conditions at a ~~commercial~~ petroleum product storage system site.

SECTION 2229k. 101.143 (1) (i) of the statutes is amended to read:

101.143 (1) (i) "Underground petroleum product storage tank system" means an underground storage tank used for storing petroleum products ~~that is required to be registered under 42 USC 6991 and the regulations promulgated under that section or registered under this chapter and the rules promulgated under this chapter~~ together with any on-site integral piping or dispensing system with at least 10% of its total volume below the surface of the ground.

SECTION 2229L. 101.143 (1m) of the statutes is created to read:

101.143 (1m) RULES CONCERNING 3RD-PARTY COMPENSATION. The commissioner of insurance shall promulgate rules defining "liabilities which are excluded from coverage in liability insurance policies for bodily injury" and "liabilities which are excluded from coverage in liability insurance policies for property damage" for the purposes of sub. (1) (ad) and (gm). The definitions shall be consistent with standard insurance industry practices.

SECTION 2229mb. 101.143 (2) (a) of the statutes is amended to read:

101.143 (2) (a) The department shall set the additional oil inspection fee under s. 168.12 (1m) at a level sufficient, considering funds in the petroleum storage environmental cleanup fund, to fund actual and projected awards and administrative costs under this section and administrative costs paid from the appropriation under s. 20.370 (2) (dw), but not to generate more than \$7,500,000 \$25,000,000 in a fiscal year.

SECTION 2229mm. 101.143 (2m) of the statutes is created to read:

101.143 (2m) INTERDEPARTMENTAL COORDINATION. Whenever the department of industry, labor and human relations receives a notification under sub. (3) (a) 3 or the department of natural resources receives a notification of a petroleum product discharge under s. 144.76, the department receiving the notification shall contact the other department and shall schedule a meeting of the owner or operator or person owning a home oil tank system and representatives of both departments.

SECTION 2229n. 101.143 (3) (a) (intro.) of the statutes is amended to read:

101.143 (3) (a) *Who may submit a claim.* (intro.) An owner or operator or a person owning a home oil tank system may submit a claim to the department for an award under sub. (4) to reimburse the owner or operator or the person for the eligible costs under sub. (4) (b) that the owner or operator or the person incurs because of a petroleum products discharge from a ~~commercial~~ petroleum product storage system or home oil tank system if all of the following apply:

SECTION 2229nm. 101.143 (3) (a) 1 of the statutes is amended to read:

101.143 (3) (a) 1. The owner or operator or the person is able to document that the source of a discharge is from a ~~commercial~~ petroleum product storage system or home oil tank ~~that was installed before May 17, 1988~~ system.

SECTION 2229p. 101.143 (3) (a) 4 of the statutes is amended to read:

101.143 (3) (a) 4. The owner or operator registers the ~~commercial~~ petroleum product storage system or the home oil tank system is registered with the department under s. 101.09.

SECTION 2230. 101.143 (3) (a) 5 of the statutes is amended to read:

101.143 (3) (a) 5. The owner or operator or the person reports the discharge in a timely manner to the division of emergency government in the department of ~~administration~~ military affairs or to the department of natural resources, according to the requirements under s. 144.76.

SECTION 2230b. 101.143 (3) (a) 6, 7 and 9 of the statutes are amended to read:

101.143 (3) (a) 6. The owner or operator or the person investigates the extent of environmental damage caused by the ~~commercial~~ petroleum product storage system or home oil tank system.

7. The owner or operator or the person recovers any recoverable petroleum products from the ~~commercial~~ petroleum products storage system or home oil tank system.

9. The owner or operator or the person follows standards for groundwater restoration in the groundwater standards in the rules promulgated by the department of natural resources under ss. 160.07 and 160.09 and restores the environment, to the extent practicable, according to those standards at the site of the discharge from a ~~commercial~~ petroleum product storage system or home oil tank system.

SECTION 2230c. 101.143 (3) (b) of the statutes is amended to read:

101.143 (3) (b) (title) *Claims submitted by owners or operators who were not owners or operators, or a person owning a home oil tank system when a petroleum product discharge occurred.* An owner or operator who was not the owner or operator, or a person who owns a home oil tank system who did not own the home oil tank system, when a petroleum product discharge occurred and who meets the requirements of this section may submit a claim for an award under sub. (4) unless the owner or operator or the person knew or should have known of the ineligibility of the previous owner or operator or of the person who previously owned the home oil tank system as a result of actions under sub. (4) (g) 4, 5 or 6.

SECTION 2230d. 101.143 (3) (c) 1 and 3 of the statutes are amended to read:

101.143 (3) (c) 1. Complete an investigation to determine the extent of environmental damage caused

by a discharge from a ~~commercial~~ petroleum product storage system or home oil tank system.

3. Conduct all remedial action activities at the site of the discharge from the ~~commercial~~ petroleum product storage system or home oil tank system necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge as required under s. 144.76.

SECTION 2230e. 101.143 (3) (e) of the statutes is amended to read:

101.143 (3) (e) *Notifications*. The department of natural resources shall notify the department when it gives the claimant written approval under par. (c) 4: ~~The department shall notify the department of natural resources of all notifications that it receives under par. (a) 3.~~

SECTION 2230f. 101.143 (3) (f) (intro.) of the statutes is amended to read:

101.143 (3) (f) *Application*. (intro.) A claimant shall submit a claim on a form provided by the department. The claim shall contain all of the following documentation of activities, plans and expenditures associated with the eligible costs incurred because of a petroleum products discharge from a ~~commercial~~ petroleum product storage system:

SECTION 2230g. 101.143 (4) (a) 1 of the statutes is amended to read:

101.143 (4) (a) 1. If the department finds that the claimant meets all of the requirements of this section and any rules promulgated under this section, the department shall issue an award to reimburse a claimant for eligible costs incurred because of a petroleum products discharge from a ~~commercial~~ petroleum product storage system or home oil tank system.

SECTION 2230h. 101.143 (4) (a) 3 and 4 of the statutes are repealed.

SECTION 2230i. 101.143 (4) (a) 5 of the statutes is amended to read:

101.143 (4) (a) 5. The department shall allocate \$500,000 in each fiscal year to make awards for home oil tank system discharges, and shall make awards in the order that applications are received. The department may conditionally approve awards which exceed the total of \$500,000 in any fiscal year, and make those awards first in the following fiscal year.

SECTION 2230j. 101.143 (4) (b) 1 to 3 of the statutes are amended to read:

101.143 (4) (b) 1. ~~Precision testing~~ Testing to determine tightness of tanks and lines if the method used is approved by the department.

2. Removal of petroleum products from ~~commercial~~ petroleum product storage systems and home oil tanks tank systems, surface waters, groundwater or soil.

3. Investigation and assessment of contamination caused by a ~~commercial~~ petroleum product storage system or a home oil tank system.

SECTION 2230k. 101.143 (4) (b) 15 of the statutes is created to read:

101.143 (4) (b) 15. For an owner or operator only, compensation to 3rd parties for bodily injury and property damage caused by a petroleum products discharge from a petroleum products storage system.

SECTION 2230L. 101.143 (4) (c) 2 to 4 of the statutes are amended to read:

101.143 (4) (c) 2. Costs of retrofitting or replacing a ~~commercial~~ petroleum product storage system or home oil tank system.

3. Other costs that the department determines to be associated with, but not integral to, the eligible costs incurred because of a petroleum products discharge from a ~~commercial~~ petroleum product storage system or home oil tank system.

4. Costs, other than costs for compensating 3rd parties for bodily injury and property damage, which the department determines to be unreasonable or unnecessary to carry out the remedial action activities as specified in the remedial action plan.

SECTION 2230m. 101.143 (4) (c) 5 of the statutes is created to read:

101.143 (4) (c) 5. Costs for investigations or remedial action activities conducted outside this state.

SECTION 2230nc. 101.143 (4) (d) (title) and 1 of the statutes are amended to read:

101.143 (4) (d) (title) *Awards for claims*. 1. The ~~Except as provided in par. (e), the department shall issue an award under this paragraph for a claim filed before August 1, 1989 after July 31, 1987, for eligible costs, under par. (b), incurred on or after August 1, 1987, and before August 1, 1989~~ July 1, 1995, by an owner or operator.

SECTION 2230ne. 101.143 (4) (d) 2 of the statutes is amended to read:

101.143 (4) (d) 2. The department shall issue the award under this paragraph without regard to fault for each ~~commercial~~ petroleum product storage system in an amount equal to ~~75%~~ of the amount of the eligible costs that exceeds a deductible amount of \$5,000 for eligible costs incurred before July 1, 1993, or \$10,000 for eligible costs incurred on or after July 1, 1993. An award issued under this paragraph may not exceed \$146,250 \$195,000 for eligible costs incurred before July 1, 1993, or \$190,000 for eligible costs incurred on or after July 1, 1993 for each occurrence.

SECTION 2230ng. 101.143 (4) (d) 3 of the statutes is created to read:

101.143 (4) (d) 3. The department may not issue awards under this paragraph to an owner or operator for eligible costs incurred because of petroleum products discharges occurring in one year that total more than \$195,000 for eligible costs incurred before July 1, 1993, or \$190,000 for eligible costs incurred on or after July 1, 1993, for each location.

SECTION 2230ni. 101.143 (4) (d) 4 of the statutes is created to read:

101.143 (4) (d) 4. The department shall recalculate all awards issued under s. 101.143 (4) (d), 1987 stats., or under s. 101.143 (4) (e) 1 and 2, 1987 stats., before the effective date of this subdivision [revisor inserts date], according to all of the requirements of subds. 1 and 2 before the effective date of this subdivision [revisor inserts date], except that the award shall be based on 100%, rather than 50% or 75%, of the eligible costs and except that the award shall be subject to the maximum amounts under subds. 2 and 3. The department shall issue an award under this subdivision for the difference between the award as recalculated under this subdivision and the award issued under s. 101.143 (4) (d), 1987 stats., or under s. 101.143 (4) (e) 1 and 2, 1987 stats., before the effective date of this subdivision [revisor inserts date].

SECTION 2230nmc. 101.143 (4) (e) (title) of the statutes is amended to read:

101.143 (4) (e) (title) *Awards for certain owners or operators.*

SECTION 2230nme. 101.143 (4) (e) 1 of the statutes is renumbered 101.143 (4) (e) 1. (intro.) and amended to read:

101.143 (4) (e) 1. (intro.) The department shall issue an award under this paragraph for a claim filed after July 31, 1989 the effective date of this subdivision [revisor inserts date], for eligible costs, under par. (b), incurred on or after August 1, 1987 the effective date of this subdivision [revisor inserts date], and before October 26, 1990, by an owner or operator- if the owner or operator does all of the following:

SECTION 2230nmg. 101.143 (4) (e) 1. a to d of the statutes are created to read:

101.143 (4) (e) 1. a. Owns or operates 100 to 999 petroleum product storage systems.

b. Documents that the owner or operator is unable to meet the requirements for demonstration of financial responsibility under 40 CFR 280.90 to 280.111 without serious or unreasonable financial hardship, as determined by the department.

c. Meets the requirements for petroleum product storage systems under 40 CFR 280.10 to 280.74.

d. Provides and maintains proof of financial responsibility under sub. (6) (b).

SECTION 2230pc. 101.143 (4) (e) 2 of the statutes is amended to read:

101.143 (4) (e) 2. The department shall issue the award under this paragraph without regard to fault for each ~~commercial~~ petroleum product storage system in an amount equal to ~~50%~~ of the amount of the eligible costs that exceeds a deductible amount of ~~\$5,000~~ \$50,000. An award issued under this paragraph may not exceed ~~\$97,500~~ \$950,000 for each occurrence.

SECTION 2230rc. 101.143 (4) (e) 3 of the statutes is created to read:

101.143 (4) (e) 3. The department may not issue awards under this paragraph to an owner or operator for eligible costs incurred because of petroleum products discharges occurring in one year that total more than \$2,000,000.

SECTION 2230t. 101.143 (4) (em) of the statutes is amended to read:

101.143 (4) (em) (title) *Awards for claims for home oil tank system discharges.* 1. The department shall issue an award for a claim filed after May 17, 1988, for eligible costs, under par. (b), incurred on or after August 1, 1987, and before July 1, 1995, by a person who owns a home oil tank system.

2. The department shall issue the award under this paragraph without regard to fault for each home oil tank system in an amount equal to 75% of the amount of the eligible costs. An award issued under this paragraph may not exceed \$7,500.

SECTION 2230u. 101.143 (4) (es) of the statutes is created to read:

101.143 (4) (es) *Awards for claims for investigations.* 1. The department shall issue an award for a claim filed after the effective date of this paragraph [revisor inserts date], for eligible costs, under par. (b), incurred on or after August 1, 1987, and before July 1, 1995, by an owner or operator or a person owning a home oil tank system in investigating the existence of a discharge or investigating the presence of petroleum products in soil or groundwater if the investigation is undertaken at the written direction of the department of industry, labor and human relations or the department of natural resources and no discharge or contamination is found.

2. The department shall issue the award under this paragraph without regard to fault for each petroleum product storage system or home oil tank system in an amount equal to the eligible costs incurred.

3. If an award has been made under this paragraph and a discharge or contamination is found in a subsequent investigation, the department shall reduce the award under par. (e) by the amount paid under this paragraph.

SECTION 2230v. 101.143 (4) (g) 3 and 4 of the statutes are amended to read:

101.143 (4) (g) 3. The claimant has been grossly negligent in the maintenance of the ~~commercial~~ petroleum product storage system or home oil tank system.

4. The claimant intentionally damaged the ~~commercial~~ petroleum product storage system or home oil tank system.

SECTION 2230xb. 101.143 (6) of the statutes is renumbered 101.143 (6) (a), and 101.143 (6) (a) 1. (intro.), b and c and 2, as renumbered, are amended to read:

101.143 (6) (a) 1. (intro.) If after July 1, 1988, an owner or operator fails to pay for an investigation or remedial action planning or remedial action activity for a ~~commercial~~ petroleum product storage system

that the owner or operator used in a business operation, the owner or operator may not continue to conduct business at that business operation or start a new business that uses a ~~commercial~~ petroleum product storage system unless all of the following requirements and conditions are met:

b. The department approves the owner's or operator's proof of financial responsibility under subd. 1. a.

c. The owner or operator maintains the proof of financial responsibility under subd. 1. a.

2. The department shall enforce this ~~subsection paragraph~~ by the revocation of any existing petroleum storage tank use permit issued by the department or by the refusal to issue a new petroleum storage tank use permit under s. 101.09.

SECTION 2230xd. 101.143 (6) (a) 3 of the statutes is created to read:

101.143 (6) (a) 3. This paragraph does not apply after October 26, 1990.

SECTION 2230xe. 101.143 (6) (b) of the statutes is created to read:

101.143 (6) (b) 1. An owner or operator covered under sub. (4) (e) shall provide to the department proof of financial responsibility for the first \$50,000 of eligible costs incurred because of a petroleum products discharge. The proof of financial responsibility shall be in a form determined by the department to provide assurance equal to that provided under 40 CFR 280.97 (b) (1) 2. b. that may include a bond, an irrevocable letter of credit, a deposit or an escrow account made payable to or established for the benefit of the department.

2. The department, after consultation with the petroleum storage environmental cleanup council, shall determine whether proof of financial responsibility submitted under subd. 1 satisfies subd. 1.

SECTION 2230y. 101.143 (7) of the statutes is amended to read:

101.143 (7) LIABILITY. (a) No common law liability, and no statutory liability which is provided in a statute other than this section, for damages resulting from a ~~commercial~~ petroleum product storage system or home oil tank ~~system~~ is affected by this section. The authority, power and remedies provided in this section are in addition to any authority, power or remedy provided in any statute other than this section or provided at common law.

(b) If a person conducts a remedial action activity for a discharge at a ~~commercial~~ petroleum product storage system or home oil tank ~~system~~ site, whether or not the person files a claim under this section, the claim and remedial action activity conducted are not evidence of liability or an admission of liability for any potential or actual environmental pollution.

SECTION 2230ym. 101.27 (1) (intro.) of the statutes is amended to read:

101.27 (1) DEFINITIONS. (intro.) In this ~~subsection~~ section:

SECTION 2230yn. 101.27 (1) (a) and (b) of the statutes are repealed and recreated to read:

101.27 (1) (a) "Council" means the state job training coordinating council established under 29 USC 1532.

(b) "Dislocated worker" has the meaning established by the department by rule in substantial conformance with 29 USC 1652 (a).

SECTION 2230yp. 101.27 (1) (c) and (d) of the statutes are created to read:

101.27 (1) (c) "Dislocated worker committee" means the committee or other subunit of the council that deals with the dislocated workers program under 29 USC 1651 to 1662b.

(d) "Substate plan" means a substate plan required under 29 USC 1661b (a) as a condition for a grant.

SECTION 2230yq. 101.27 (2) of the statutes is repealed.

SECTION 2230yr. 101.27 (4) (a) and (b) of the statutes are amended to read:

101.27 (4) (a) ~~A review panel appointed by the secretary~~ The dislocated workers committee approves the substate plan or application for funding and refers its decision to the secretary.

(b) After receiving a referral under par. (a), the secretary approves the substate plan or application for funding.

SECTION 2230ys. 101.27 (5) (intro.) ~~and (7)~~ of the statutes are amended to read: **Vetoed in Part**

101.27 (5) (title) SUBSTATE PLAN OR APPLICATION REVIEW. (intro.) In reviewing substate plans and applications for funding under this section, the review panel ~~dislocated workers committee~~ and the secretary shall consider all of the following:

~~(6) RULE MAKING. The department shall adopt rules to administer this section. The rules shall address eligible applicants and program providers, application requirements, criteria and procedures for awarding grants, reporting and auditing procedures and administrative operations. The department shall also establish by rule any allocation formula used to distribute money received under 29 USC 1651 to 1662b.~~ **Vetoed in Part**

(7) FUNDING. From the amounts appropriated under s. 20.445 (1) (ma), (mb) and (mc), all moneys received under 29 USC 1651 to ~~1658~~ 1661c shall be expended to fund grants and operations under this section.

SECTION 2230zm. 101.30 of the statutes is amended to read:

101.30 Work incentive demonstration program; AFDC recipients. The department may contract with the department of health and social services for the provision of supportive and employment services under the work incentive demonstration program under s. 49.50 (7). Fees charged for the contractual

services provided shall be credited to the ~~appropriations~~ appropriation under s. 20.445 (1) ~~(kg) and (kk)~~ (ka).

SECTION 2230zp. 101.31 of the statutes is created to read:

101.31 Trade adjustment assistance overpayment waiver. (1) On or before the 60th day beginning after the effective date of this subsection [revisor inserts date], the department shall establish a policy for waiving recovery of overpayments made under the federal adjustment assistance for workers program under 19 USC 2272 to 2318.

(2) The waiver policy shall require the department to grant a waiver if all of the following apply:

(a) The overpayment was not the fault of the person who received it.

(b) Requiring repayment would be contrary to equity and good conscience.

(3) The department shall do all of the following:

(a) Notify all of the following persons of the waiver policy and the person's right to request a waiver:

1. A person from whom the department attempts to recover an overpayment made under 19 USC 2272 to 2318.

2. A person from whom the department is in the process of recovering an overpayment made under 19 USC 2272 to 2318.

(b) Comply with the guidelines issued by the U.S. secretary of labor under 19 USC 2315 in connection with the waiver policy.

(c) Establish the waiver policy by rule, using the procedure under s. 227.24.

Vetoed in Part SECTION 2230zr. 101.35 ~~(7) (d) and (10)~~ (a) 7 of the statutes are created to read:

Vetoed in Part 101.35 ~~(7) (d)~~. The business certifies to the local service agency that the business will not begin or expand operations using any chlorofluorocarbons, halons or other compounds or substances with ozone depletion weights, as set out in 40 CFR part 82 appendix A, of 0.1 or more.

(10) (a) 7. That the business has certified that it uses or will use techniques or processes that reduce or eliminate the use of chlorofluorocarbons, halons or other compounds or substances with ozone depletion weights, as set out in 40 CFR part 82 appendix A, of 0.1 or more.

SECTION 2231. 101.575 (3) (a) 3 of the statutes is repealed and recreated to read:

101.575 (3) (a) 3. Provides a training program prescribed by the department by rule, in consultation with the fire prevention council.

SECTION 2231d. 101.575 (3) (a) 5 of the statutes is repealed.

SECTION 2231g. 101.575 (3) (a) 7 of the statutes is repealed.

SECTION 2231gc. 101.575 (3) (a) 8 of the statutes is amended to read:

101.575 (3) (a) 8. Provides for a building to house the apparatus and equipment required under ~~subds. subd. 6 and 7~~ which will protect the apparatus and equipment from the weather.

SECTION 2231i. 101.575 (4) of the statutes is repealed and recreated to read:

101.575 (4) (a) The department may not pay any fire department dues for any year to a city, village, town or fire department unless all of the following conditions are satisfied:

1. The department determines that the city, village, town or fire department has complied with sub. (6) and s. 101.14 (2).

2. The city, village or town has submitted a form which is signed by the clerk of the city, village or town and by the chief of the fire department providing fire protection to that city, village or town, which is provided by the department by rule and which certifies that the fire department has complied with this section or the department has audited the city, village, town or fire department and determined that it complies with sub. (6) and s. 101.14 (2).

(b) 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 2231k. 101.575 (6) of the statutes is repealed and recreated to read:

101.575 (6) (a) No city, village or town maintaining a fire department under this section may use any dues received under s. 101.573 and this section for any purpose except the following:

1. Fire protection equipment.

2. Fire inspection, prevention or protection.

3. Training of fire fighters and fire inspectors performing duties under s. 101.14.

4. To fund wholly or partially fire fighters' pension funds or other special funds for the benefit of disabled or superannuated fire fighters.

(b) Any city, village or town that contracts for fire protection service shall give dues received under s. 101.573 and this section to the fire department providing the fire protection service. That fire department shall use those dues for any of the purposes specified in par. (a).

~~SECTION 2231kg. 101.597 (3) of the statutes is amended to read:~~

~~101.597 (3) By DEPARTMENT. The department shall inform manufacturers, suppliers, employers, agricultural employers and employees of their duties and rights under ss. 101.58 to 101.599. As part of this program, the department shall cooperate with the departments of tourism and development and revenue to~~

Vetoed in Part

Vetoed
in Part

wholly any employer commencing operations on or after May 8, 1982, of that employer's duties and rights.

SECTION 2231kL. 101.651 (2) (a) of the statutes is amended to read:

101.651 (2) (a) The requirements under s. 101.65 (2) and (3).

SECTION 2231kp. 101.761 (2) (a) of the statutes is amended to read:

101.761 (2) (a) The requirements under s. 101.76 (2) and (3).

SECTION 2231Lb. 101.94 (5) of the statutes is amended to read:

101.94 (5) No manufactured home or mobile home after once being approved to display the label prescribed shall be altered in any way by a manufacturer, factory branch, distributor, distributor branch, dealer or ~~salesman~~ salesperson without first obtaining an approval from the department or its authorized agent.

SECTION 2231Lc. 102.07 (16) of the statutes is amended to read:

102.07 (16) An inmate participating in a work release program under s. ~~56.065~~ 303.065 (2) or in the transitional employment program is an employee of any employer under this chapter for whom he or she is performing service at the time of the injury.

SECTION 2231Lcd. 102.13 (1) (d) 1 and 4 of the statutes are renumbered 102.13 (1) (dn) 1 and 4.

SECTION 2231Lcf. 102.13 (1) (dn) (intro.) of the statutes is created to read:

102.13 (1) (dn). Subject to pars. (e) and (f).

SECTION 2231Lch. 102.13 (1) (f) of the statutes is created to read:

102.13 (1) (f) No person may testify on the issue of the necessity for treatment or continued care by a licensed physician, chiropractor, podiatrist or dentist unless the person is licensed to practice the same profession as the professional whose treatment or care is the subject of the testimony, and the person, unless disabled, derives at least 50% of his or her annual earned income from the care and treatment of private patients.

Vetoed
in Part

Vetoed
in Part

SECTION 2231Lci. 103.50 (6m) of the statutes is created to read:

103.50 (6m) FRINGE BENEFITS. A contractor, subcontractor or other person subject to sub. (2) shall do all of the following:

(a) Provide a written statement to the department of transportation, before beginning work on a highway construction contract, that contains all of the following information:

1. Whether the contractor, subcontractor or other person pays employee fringe benefits by making payments to its employees directly or to a 3rd party for the benefit of the employees.

2. The name and address of any 3rd party to whom payments for fringe benefits are made.

(b) If fringe benefits are paid directly to an employee, upon payment provide a written accounting of the amount paid for each fringe benefit.

(c) Ensure that copies of payrolls furnished to the department of transportation under sub. (8) show whether and how payments for fringe benefits were made.

SECTION 2231Lcv. 103.50 (8) of the statutes is amended to read:

103.50 (8) ENFORCEMENT AND PROSECUTION. The department of transportation shall require adherence to subs. (2) and (6) and (6m). The department of transportation may demand, and every contractor and subcontractor shall furnish, copies of payrolls and it may examine all records relating to hours of work and the wages paid laborers and mechanics on the work to which this section is applicable. Upon request of the department of transportation or upon complaint of alleged violation, the district attorney of the county in which the work is located shall make such investigation as necessary and prosecute violations in a court of competent jurisdiction.

SECTION 2231Lcx. 108.02 (13) (k) of the statutes is created to read:

108.02 (13) (k) "Employer" does not include a county department which serves as a fiscal agent or contracts with a fiscal intermediary to serve as a fiscal agent for an "employer" under s. 46.27 (5) (i), ~~solely by reason of that service or contracting.~~

Vetoed
in Part

SECTION 2231Ld. 110.07 (1) (a) 1 of the statutes is amended to read:

110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and chs. 166, 194, 218, 341 to 349 and 351, and ss. 23.33, 125.07 (4) (b), 125.08 (3) (b), 125.085 (3) (b) and 167.31 (2) (b) to (d) and ch. 350 where applicable to highways, or orders or rules issued pursuant thereto.

SECTION 2231Lf. 110.07 (2m) of the statutes is amended to read:

110.07 (2m) In addition to the primary powers granted by subs. (1) and (2), any officer of the state traffic patrol, while in uniform and on duty, may arrest when he or she believes, on reasonable grounds, that a warrant for a person's arrest has been issued in this state; that a felony warrant has been issued in another state or that the person is committing or has committed a crime within 24 hours before the arrest. The state traffic patrol shall cause the person arrested to be delivered to the chief of police or the sheriff in the jurisdiction where the arrest is made along with the documents and reports pertaining to the arrest. A state traffic officer shall at all times be available as a witness for the state but shall not conduct investigations for crimes under chs. 939 to 948. The primary duty of a state traffic officer shall be the enforcement of chs. 340 to 351 or of any other law relating to the use or operation of vehicles upon the highway. No state traffic officer shall be used in or take part in any

dispute or controversy between employer or employee concerning wages, hours, labor or working conditions; nor shall any such officer be required to serve civil process.

SECTION 2231Lg. 110.08 (2) of the statutes is amended to read:

110.08 (2) After July 1, 1957 Except as provided under s. 343.16 (1) (a) 3, all examinations for operator's licenses and permits shall be given by state examiners.

SECTION 2248m. 111.81 (7) (c) of the statutes is created to read:

111.81 (7) (c) Assistant district attorneys, except supervisors, management employees and individuals who are privy to confidential matters affecting the employer-employee relationship.

SECTION 2248n. 111.815 (3) of the statutes is created to read:

111.815 (3) With regard to collective bargaining activities involving employees who are assistant district attorneys, the secretary of the department shall maintain close liaison with the department of administration.

SECTION 2248p. 111.825 (2) (d) of the statutes is created to read:

111.825 (2) (d) Assistant district attorneys.

SECTION 2248pg. 111.825 (4) of the statutes is amended to read:

111.825 (4) Any labor organization may petition for recognition as the exclusive representative of a collective bargaining unit specified in sub. (1) or (2) in accordance with the election procedures set forth in s. 111.83, provided the petition is accompanied by a 30% showing of interest in the form of signed authorization cards. Each additional labor organization seeking to appear on the ballot shall file petitions within 60 days of the date of filing of the original petition and prove, through signed authorization cards, that at least 10% of the employees in the collective bargaining unit want it to be their representative. An original petition to serve as the initial representative of the collective bargaining unit specified in sub. (2) (d) may only be filed during the period commencing on July 2, 1990, and ending on December 31, 1990.

SECTION 2248pm. 111.84 (1) (b) of the statutes, as affected by 1989 Wisconsin Act 13, is amended to read:

111.84 (1) (b) Except as otherwise provided in this paragraph, to initiate, create, dominate or interfere with the formation or administration of any labor or employee organization or contribute financial support to it. Except as provided in ss. 40.02 (22) (e) ~~and (25) (b) 8~~ and 40.23 (1) (f) 4, no change in any law affecting ~~any benefit, plan or account the Wisconsin retirement system~~ under ch. 40 and no action by the employer that is authorized by such a law constitutes a violation of this paragraph unless an applicable collective bargaining agreement specifically prohibits the change or action. No such change or action affects the continu-

ing duty to bargain collectively regarding ~~any benefit, plan or account the Wisconsin retirement system~~ under ch. 40 to the extent required by s. 111.91. It is not an unfair labor practice for the employer to reimburse state employees at their prevailing wage rate for the time spent during the employee's regularly scheduled hours conferring with the employer's officers or agents and for attendance at commission or court hearings necessary for the administration of this subchapter. Professional supervisory or craft personnel may maintain membership in professional or craft organizations; however, as members of such organizations they shall be prohibited from those activities related to collective bargaining in which the organizations may engage.

SECTION 2248q. 111.84 (2) (c) of the statutes is amended to read:

111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91 (1) with the duly authorized officer or agent of the employer which is the recognized or certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (b) or (c) in an appropriate collective bargaining unit. Such refusal to bargain shall include, but not be limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.

SECTION 2248r. 111.91 (1) (a) of the statutes is amended to read:

111.91 (1) (a) Except as provided in pars. (b) to (e), matters subject to collective bargaining to the point of impasse are wage rates, consistent with sub. (2), the assignment and reassignment of classifications to pay ranges, determination of an incumbent's pay status resulting from position reallocation or reclassification, and pay adjustments upon temporary assignment of classified employees to duties of a higher classification or downward reallocations of ~~an a~~ a ~~classified~~ employee's position; fringe benefits consistent with sub. (2); hours and conditions of employment.

SECTION 2248t. 111.91 (1) (cm) of the statutes, as created by 1989 Wisconsin Act 13, is amended to read:

111.91 (1) (cm) Except as provided in sub. (2) (g) and ss. 40.02 (22) (e) and (25) (b) 8 and 40.23 (1) (f) 4, all laws governing ~~any benefit, plan or account the Wisconsin retirement system~~ under ch. 40 and all actions of the employer that are authorized under any such law which apply to nonrepresented individuals employed by the state shall apply to similarly situated employees, unless otherwise specifically provided in a collective bargaining agreement that applies to those employees.

SECTION 2249g. 111.91 (4) of the statutes is amended to read:

111.91 (4) The secretary of the department, in connection with the development of tentative collective bargaining agreements to be submitted under s.

111.92, shall endeavor to obtain tentative agreements with each recognized or certified labor organization representing employees or supervisors of employees specified in s. 111.81 (7) (a) and with each certified labor organization representing employees specified in s. 111.81 (7) (b) or (c) which do not contain any provision for the payment to any employee of a cumulative or noncumulative amount of compensation in recognition of or based on the period of time an employee has been employed by the state.

SECTION 2249m. 111.93 (2) of the statutes is amended to read:

111.93 (2) All civil service and other applicable statutes concerning wages, fringe benefits, hours and conditions of employment apply to employees specified in s. 111.81 (7) (a) who are not included in collective bargaining units for which a representative is recognized or certified and to employees specified in s. 111.81 (7) (b) or (c) who are not included in a collective bargaining unit for which a representative is certified.

SECTION 2249n. 111.93 (3) of the statutes, as affected by 1989 Wisconsin Act 13, is amended to read:

111.93 (3) Except as provided in ss. 40.05, 40.80 (3), 111.91 (1) (cm) and 230.88 (2) (b), if a collective bargaining agreement exists between the employer and a labor organization representing employees in a collective bargaining unit, the provisions of that agreement shall supersede the provisions of civil service and other applicable statutes, as well as rules and policies of the board of regents of the university of Wisconsin system, related to wages, fringe benefits, hours and conditions of employment whether or not the matters contained in those statutes, rules and policies are set forth in the collective bargaining agreement.

SECTION 2249p. 114.20 (13) of the statutes is renumbered 114.20 (13) (a) and amended to read:

114.20 (13) (a) On December 1, 1981, and annually thereafter on December 1, a charge of 10% of the annual registration fee shall be added to any annual registration fee not paid by that date, and 10% of the annual registration fee shall be added to the fee on the first day of each month thereafter until the fee, along with any accrued charges or interest, is paid. If the charges levied under this subsection are less than \$5, the department may waive the charges. This paragraph does not apply after October 31, 1989.

SECTION 2249r. 114.20 (13) (b) of the statutes is created to read:

114.20 (13) (b) 1. If an annual registration fee is not paid by November 1, from November 2 to April 30, the department shall add a late payment charge of 10% of the amount specified for the registration under sub. (9) or (10) to the fee.

2. If an annual registration fee is not paid by April 30, from May 1 to October 31, the department shall add a late payment charge of 20% of the amount spec-

ified for the registration under sub. (9) or (10) to the fee.

3. Notwithstanding subs. 1 and 2, the department may waive any late payment charge, under this paragraph, of less than \$25.

4. Late payment charges under this paragraph are not cumulative.

5. This paragraph applies after October 31, 1989.

SECTION 2249t. 114.35 (2) of the statutes is amended to read:

114.35 (2) The secretary may also use the funds provided by the state independent of the availability of federal funds to aid sponsors in the development of approved projects on the state system or joint projects and, for air marking and air navigation facilities and for the purpose of 1989 Wisconsin Act (this act), section 3053 (2n).

SECTION 2249v. 114.35 (2) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

114.35 (2) The secretary may also use the funds provided by the state independent of the availability of federal funds to aid sponsors in the development of approved projects on the state system or joint projects and for air marking and air navigation facilities.

~~SECTION 2249x. 115.01 (10) (a) 1 of the statutes is amended to read:~~

~~115.01 (10) (a) 1. Days on which school is closed by order of the school district administrator because of inclement weather and days on which parent teacher conferences are held and days on which in-service training relating to the school district standards under s. 121.92 is conducted, not to exceed 5 days during the school term.~~

Vetoed
in Part

SECTION 2250m. 115.28 (17) (d) of the statutes is created to read:

115.28 (17) (d) In coordination with the American Indian language and culture education board, develop a curriculum for grades 4 to 12 on the Chippewa Indians' treaty-based, off-reservation rights to hunt, fish and gather.

SECTION 2251. 115.28 (20) of the statutes is created to read:

115.28 (20) COUNCIL FOR MILWAUKEE PUBLIC SCHOOLS GRANT PROGRAMS. Appoint a council under s. 15.04 (1) (c) composed of residents of the school district established under ch. 119 who are selected to reflect the pluralistic nature of the school district. The council shall:

(a) Advise the state superintendent on funding criteria and evaluation plans for grant programs for the school district operating under ch. 119.

(b) Advise the state superintendent on the programs that meet or do not meet the funding criteria.

(c) Assist the state superintendent in monitoring the progress of funded programs.

(d) Recommend to the state superintendent needed changes in statutes or rules relating to grant programs.

(e) Submit to the state superintendent an annual report detailing the council's activities, accomplishments and projected needs.

(f) Assist in ensuring that various grant programs operate compatible.

SECTION 2251e. 115.28 (23m) of the statutes is created to read:

Vetoed
in Part

115.28 (23m) ADMINISTRATIVE ASSESSMENT CENTER. Annually use at least \$98,600 of funds received under 20 USC 3851 to maintain, with at least 1.0 full-time position, an administrative assessment center that assists individuals who are enrolled in school administrator preparation programs or have been recently licensed as school administrators to identify their strengths and the areas in which they need improvement.

SECTION 2251m. 115.28 (24) of the statutes is created to read:

115.28 (24) PRIORITY IN AWARDING GRANTS. Give priority in awarding grants to local community organizations under sub. (21), to school boards under s. 115.36, 115.362 and 118.019 (6) and to cooperative educational service agencies under s. 118.019 (6), and in awarding grants from federal funds received under 20 USC 2301 to 2471, 20 USC 4601 to 4665 and 29 USC 1602 (b) (1), to programs that provide more than one of the educational services specified under sub. (21), s. 115.36, 115.362, 115.915, 118.01 (2) (d) 7 or 8, 118.019 (6) or 118.153 or 20 USC 2301 to 2471, 20 USC 4601 to 4665 or 29 USC 1602 (b) (1).

SECTION 2251s. 115.28 (25) of the statutes is created to read:

115.28 (25) INDO-CHINESE REFUGEE COMMUNITY AND SCHOOL PROGRAM. Annually, award \$50,000 from the appropriation under s. 20.255 (1) (a) to a nonprofit organization located in a 1st class city to support the costs of bilingual personnel serving as liaisons between the Indo-Chinese refugee community and the school district operating under ch. 119.

SECTION 2251t. 115.28 (26) of the statutes is created to read:

Vetoed
in Part

115.28 (26) MATERNAL AND CHILD HEALTH BLOCK GRANT FUNDS. Not expend more than 10% of the moneys that it receives under s. 146.18 (4) (a) for state maternal and child health administration costs. All moneys that the department does expend on maternal and child health administration shall only be spent for administering maternal and child health services, allocating maternal and child health block grant funds and giving technical assistance on maternal and child health issues.

SECTION 2252. 115.33 (1) of the statutes is repealed and recreated to read:

115.33 (1) In this section:

(a) "In compliance" means in compliance with subchs. I and IV of ch. 101 and ch. 145.

(b) "Proposed use" means a function that the school board has indicated by resolution that it intends to pursue within the current school year or the next 2 succeeding school years.

SECTION 2253. 115.33 (2) of the statutes is renumbered 115.33 (2) (a) (intro.) and amended to read:

115.33 (2) (a) (intro.) ~~If any school district administrator or~~ The state superintendent may request the department of industry, labor and human relations to inspect a public school if any of the following occurs:

1. Any elector in the school district complains in writing to the state superintendent that ~~any building used for school purposes in the school district is in such condition as to endanger the lives or health of the pupils, inadequate or that the building is otherwise unfit for school purposes,~~ the state superintendent shall investigate the matter and may hold a hearing in connection therewith.

SECTION 2254. 115.33 (2) (a) 2 of the statutes is created to read:

115.33 (2) (a) 2. The school board of the school district in which the school is located requests the state superintendent to do so. The school board may also request an opinion as to whether the school is adequate for a proposed use.

SECTION 2254m. 115.33 (2) (a) 3 of the statutes is created to read:

115.33 (2) (a) 3. The state superintendent determines there is significant evidence that the school is not in compliance.

SECTION 2255. 115.33 (2) (b) of the statutes is created to read:

115.33 (2) (b) The department of industry, labor and human relations shall inspect the school within 30 days after receiving a request from the state superintendent under par. (a).

SECTION 2256m. 115.33 (3) (a) of the statutes is repealed and recreated to read:

115.33 (3) (a) If the state superintendent determines that a school is not in compliance, and the department of industry, labor and human relations, based on its inspection of the school, concurs in the determination, the state superintendent may order the school board to repair, improve, remodel or close the school by a stated date. An order issued under this paragraph constitutes a preliminary finding of noncompliance with the standard under s. 121.02 (1) (i).

SECTION 2257m. 115.33 (3) (b) of the statutes is repealed and recreated to read:

115.33 (3) (b) 1. If the state superintendent determines that a school is not in compliance and is not worth repairing, and the department of industry, labor and human relations, based on its inspection of the school, concurs in the determination, the state superintendent may order the school board to develop a plan that describes how the school board will achieve compliance with the standard under s. 121.02 (1) (i). The plan shall specify the time within which

compliance with the standard under s. 121.02 (1) (i) shall be achieved. The state superintendent shall hold a public hearing on the plan in the school district and may, as a result of the hearing, recommend changes to the plan. The state superintendent may withhold up to 25% of the school district's state aid if the school district fails to achieve compliance with the standard under s. 121.02 (1) (i) within the period specified in the plan.

2. Section 121.02 (3) does not apply to determinations under subd. 1 or to orders issued under subd. 1.

SECTION 2258. 115.33 (3) (c) of the statutes is repealed.

~~SECTION 2258m. 115.33s of the statutes is created to read:~~

Vetoed
in Part

~~115.33s School breakfast program. (1) If a school district starts a school breakfast program in the 1989-90 or 1990-91 school year, the school board may apply to the state superintendent for a reimbursement of 5 cents for each school breakfast served in the school year or calendar year in which the program is started. Subject to sub. (2), the state superintendent shall reimburse the school district from the appropriation under s. 20.255 (2) (ck).~~

~~(2) (a) Only school districts that are not receiving funds under 42 USC, 1773 for breakfasts served in the preceding school year are eligible for a payment under sub. (1).~~

~~(b) No school district may receive payment under sub. (1) for more than 12 months or receive more than a total of \$15,000 under sub. (1).~~

~~(c) If funds in the appropriation under s. 20.255 (2) (ck) are insufficient to fully fund payments to all eligible school districts, the state superintendent shall provide payments to school districts in the order in which their applications are received.~~

~~(3) The state superintendent shall use the department's nutrition education program to encourage school districts to establish a school breakfast program.~~

~~SECTION 2258p. 115.343 (3) of the statutes is renumbered 115.343 (3) (a) (intro.) and amended to read:~~

Vetoed
in Part

~~115.343 (3) (a) (intro.) The From the appropriation under s. 20.255 (2) (cp), the department shall make:~~

~~1. In the 1989-90 and 1990-91 school years, make payments to schools for the full costs of beverages under sub. (1) served to children eligible under sub. (2) in the prior school year from the appropriation under s. 20.255 (2) (cp).~~

~~SECTION 2258q. 115.343 (3) (a) 2 and 3 of the statutes are created to read:~~

~~115.343 (3) (a) 2. In the 1991-92 school year make payments to schools for the full costs of beverages under sub. (1) served to children eligible under sub. (2) in the prior school year and the current school year.~~

~~3. In the 1992-93 school year and annually thereafter, make payments to schools for the full costs of~~

~~beverages under sub. (1) served to children eligible under sub. (2) in the current school year.~~

~~SECTION 2258r. 115.343 (3) (b) of the statutes is created to read:~~

Vetoed
in Part

~~115.343 (3) (b) The department shall make the current year payments under par. (a) 2 and 3 in September based on estimated costs. At the end of the school year, the department shall adjust aid payments based on actual costs.~~

~~SECTION 2258s. 115.343 (6) of the statutes is created to read:~~

~~115.343 (6) Annually by May 1, the department shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate health and human services committee under s. 13.172 (3). The report shall include all of the following for the current school year:~~

~~(a) The schools participating in the program under this section.~~

~~(b) The number of beverages provided to children.~~

~~(c) The number of children who received a beverage under sub. (2) and the number of children who received a beverage under sub. (4).~~

~~(d) The total cost of providing beverages to children.~~

~~(e) Any recommendations for improving the program received by the department from school administrators.~~

~~SECTION 2259. 115.36 (3) (a) (intro.) of the statutes is amended to read:~~

~~115.36 (3) (a) (intro.) The department shall, from the appropriation under s. 20.255 (2) (g), fund demonstration school district projects operated by public school districts which are designed to assist minors experiencing problems resulting from the use of alcohol or other drugs or to prevent alcohol or other drug abuse by minors. The department shall:~~

~~SECTION 2260. 115.36 (3) (a) 3 of the statutes is amended to read:~~

~~115.36 (3) (a) 3. Assist in and assure ensure evaluation of demonstration projects.~~

~~SECTION 2260m. 115.36 (4) of the statutes is created to read:~~

~~115.36 (4) (a) 1. In this paragraph, "law enforcement officer" has the meaning given in s. 165.85 (2) (c).~~

~~2. A school board may contract with a city or county to provide drug abuse resistance education to pupils enrolled in grades kindergarten to 8. Instruction shall be provided by law enforcement officers employed by the county or city. The law enforcement officers may use guest lecturers and others to assist them in providing instruction.~~

~~(b) A school board contracting under par. (a) may apply to the state superintendent for a grant to help fund the costs of the program. The state superintendent shall review the applications and determine which~~

of the applicants will receive grants. A grant shall fund 100% of the cost of the classroom materials for the program and 80% of the costs of the contract, except that no grant may exceed \$50,000. Grants shall be awarded from the appropriation under s. 20.255 (2) (v).

(c) The state superintendent shall promulgate rules to implement and administer this subsection, including rules establishing criteria for selecting grant recipients under par. (b).

SECTION 2261. 115.362 (1) of the statutes is repealed and recreated to read:

115.362 (1) The department shall make grants to school districts and cooperative educational service agencies for alcohol and other drug abuse prevention, intervention and instruction programs. The department shall award at least 30 grants each school year.

SECTION 2262. 115.362 (2) (title) of the statutes is repealed.

SECTION 2263. 115.362 (2) of the statutes is renumbered 115.362 (2) (b) and amended to read:

115.362 (2) (b) ~~Any moneys used to fund The department shall award grants under sub. (1) from the appropriation under s. 20.255 (2) (k) shall be only for youth alcohol and other drug abuse intervention services only programs.~~

SECTION 2264. 115.362 (2) (a) of the statutes is created to read:

115.362 (2) (a) The department shall award grants from the appropriations under s. 20.255 (2) (fi) and (w) to school districts for any of the following:

1. The development or expansion of a school district-wide, kindergarten to grade 12 curriculum in the prevention of and intervention in alcohol and other drug abuse.

2. If a school district has a curriculum described under subd. 1, the development or expansion of an alcohol and other drug abuse prevention and intervention program.

SECTION 2265. 115.362 (3) (title) of the statutes is repealed.

SECTION 2266. 115.362 (3) of the statutes is amended to read:

115.362 (3) ~~No public agency Except for grants under sub. (2) (a), no school district or cooperative educational service agency may receive more than one grant under this section. Grants awarded under sub. (2) (a) shall not be used to supplant or replace funds otherwise available for the program.~~

SECTION 2266m. 115.362 (4) and (5) of the statutes are created to read:

115.362 (4) (a) Each school board receiving a grant under sub. (2) (a) 2 shall ensure that its program meets standards established by the state superintendent by rule and is coordinated by an alcohol and other drug abuse prevention and intervention program coordinator who meets the qualifications established by the state superintendent by rule. The school board may

establish the program individually or on a cooperative basis with one or more school districts, cooperative educational service agencies or county handicapped children's education boards.

(b) As part of its alcohol and other drug abuse prevention and intervention program, the school board shall do all of the following:

1. Train teachers and other school staff members in the prevention of alcohol and other drug abuse.

2. Provide a pupil assistance program to intervene in the abuse of alcohol and other drugs by pupils.

3. Develop and implement an alcohol and other drug abuse curriculum for grades kindergarten to 12.

4. Provide instruction to pupils in communication, problem solving and decision making, dealing effectively with peer pressure, critical thinking, stress reduction, self-improvement and positive self-esteem.

5. Release teachers from other duties in order to enable them to participate in training programs under subd. 1 and s. 115.36 (2) (a) and in pupil assistance programs under subd. 2.

(c) ~~The school board shall coordinate its alcohol and other drug abuse prevention and intervention program with other such programs available in the school district and to the greatest extent possible shall involve pupils, parents, professional school staff, treatment professionals, law enforcement officers and court personnel in the development and implementation of the program.~~ **Vetoed in Part**

~~2. The alcohol and other drug abuse prevention and intervention program coordinator shall review and make recommendations to the school board regarding school district alcohol and other drug abuse policies and rules and shall serve as a liaison with alcohol and other drug abuse service providers, law enforcement officers and social service agencies in the school district.~~ **Vetoed in Part**

(5) The state superintendent shall promulgate rules establishing criteria for the awarding of grants under sub. (2) (a). The rules shall require that the state superintendent give priority in awarding grants to school districts in which no alcohol and other drug abuse program coordinator or pupil assistance program is available. **Vetoed in Part**

SECTION 2266s. 115.363 of the statutes is created to read:

115.363 Learning assistance programs. (1) A school board may apply to the state superintendent for a grant to develop a program designed to assist pupils to learn. A school principal may request the school board to apply. **Vetoed in Part**

(2) (a) A program is eligible for funding under this section only if it targets educational services to pupils based on their needs, coordinates the program with other educational services and involves parents in the program.

(b) A program that assists pupils in grades kindergarten to 8 to learn is eligible for funding if it does one of the following:

Vetoed in Part

Vetoed
in Part

1. Provides supplemental educational services to pupils experiencing learning difficulties who are not children with exceptional educational needs, as defined in s. 115.76 (3).
2. Reduces class size or increases staff to provide additional instructional or support services.
3. Provides staff training in areas such as effective learning environments or instructional techniques.
4. Provides training and educational opportunities for parents of pupils enrolled in the school district.
5. Coordinates educational and health and social services for pupils and their families.

Vetoed
in Part

(c) In addition to the programs eligible for funding under par. (b), a program that assists pupils in any grade to learn is also eligible for funding if it does one or more of the following:

1. Integrates early childhood education and child care.

Vetoed
in Part

2. Develops, implements or enhances programs for gifted and talented pupils.

3. Provide services to limited-English speaking pupils from Indo-Chinese language groups.

(3) (a) An application for a grant shall include all of the following:

Vetoed
in Part

1. Evidence of the need for a learning assistance program and grant.

2. A description of how the program will coordinate the provision of educational services.

3. Identification of the resources and costs necessary to implement the program, including the administrative costs associated with the program.

4. A description of how teachers, administrators and parents will be involved in the program.

5. A description of how the effectiveness of the program will be evaluated, including quantitative measures of how the program assisted the learning and academic achievement of pupils.

Vetoed
in Part

(b) An application may include a request for a waiver of a specific state law or rule or federal law or regulation administered by the department. If a waiver is requested, the application shall include information on how the waiver will enhance the effectiveness of the program in attaining its goals and how a level of service will be provided that is at least equivalent to that provided under the applicable law, rule or regulation.

(4) (a) The state superintendent shall review the applications and determine which of the programs eligible for funding will receive grants. The determination shall be based upon the degree to which the program meets a demonstrated need for a learning assistance program grant.

Vetoed
in Part

(b) The department shall:

1. Provide consultation and technical assistance in the preparation of grant applications.

2. Assist schools and school districts in the evaluation of programs.

3. Include in its biennial report under s. 15.04 (1) (d) information on the funded programs, including any waivers requested or granted under par. (c).

4. Promulgate rules for the implementation of this section, including rules specifying limits on the amount or percentage of administrative costs associated with the program that may be paid with grant funds.

5. Ensure that if a school board applied for a grant upon request of a school principal, the funds are used only for the program requested by that school principal.

(c) Upon request under sub. (3) (b), the state superintendent may waive a specific state law or rule administered by the department if the state superintendent determines that the waiver will enhance the effectiveness of the program in attaining its goals and will result in a level of service at least equivalent to that provided under the applicable law or rule. If the state superintendent determines that a waiver of a federal law or regulation administered by the department is justified, the superintendent shall assist the school district in obtaining that waiver.

(5) Programs shall be funded on a 2-year basis. No program may be funded unless the state superintendent determines that a grant will not supplant funds otherwise available for the program. A grant may be used to augment existing programs.

(6) Amounts awarded under this section shall be paid from the appropriation under s. 20.255 (2) (ez) and may be paid in instalments. The state superintendent shall allocate \$434,000 in the 1989-90 school year and \$434,000 in the 1990-91 school year for school districts with a membership of less than 12,000 in which more than 3.5% of the membership consists of limited-English speaking pupils from Indo-Chinese language groups. In this subsection, "membership" has the meaning given in s. 121.004 (5).

SECTION 2267m. 115.375 of the statutes is created to read:

Vetoed
in Part

115.375 Environmental education coordinating council and grants. (1) The environmental education coordinating council shall identify needs and establish priorities for environmental education in public schools, including needs for teacher training, curriculum development and availability of nature centers. The council shall also address needs for environmental education in other educational settings, including state agency programs, university of Wisconsin extension programs, conservation and environmental groups, youth organizations and nature and environmental centers. The council shall advise the department in the administration of the environmental education grant program under sub. (2). The state superintendent shall seek the advice of and consult with the council on the development of environmental education programs.

(2) (a) In this subsection:

Vetoed
in Part

1. "Corporation" means a nonstock, nonprofit corporation organized under ch. 181.

2. "Public agency" means a county, city, village, town or school district or an agency of this state or of a county, city, village, town or school district.

(b) From the appropriation under s. 20.255 (1) (cp), the state superintendent shall award grants to corporations and public agencies for the development, dissemination and presentation of environmental education programs. The state superintendent may not award a grant unless the grant recipient matches the amount of the grant. Private funds and in-kind contributions may be applied to meet the matching requirement. Grants under this paragraph may not be used to replace funding available from other sources.

(c) The state superintendent shall promulgate rules establishing the criteria and procedures for the awarding of grants for programs and projects under par. (b). The state superintendent shall develop priorities for awarding grants if the amount in the appropriation under s. 20.255 (1) (cp) in any fiscal year is insufficient to fund all applications under this subsection.

SECTION 2268g. 115.392 of the statutes is created to read:

115.392 Science, mathematics and technology education grants. (1) A school board, or a school board in conjunction with one or more of the following, may apply to the state superintendent for a science, mathematics and technology education grant:

(a) Another school board, operating under an agreement under s. 66.30.

(b) The board of control of a cooperative educational service agency.

(c) A vocational, technical and adult education district board.

(d) An institution or center within the university of Wisconsin system.

(2) The state superintendent may award a grant under this section for the establishment of a school and community partnership program designed to promote the interaction of pupils and teachers with professional scientists, engineers and mathematicians. The grant recipient may use the funds for any of the following:

(a) Establishing a program to pay the salary of a scientist, engineer or mathematician, who is not a school board employee, to work at least one week but not more than one school year as a consultant to the school district to assist teachers and offer demonstrations and in-service training.

(b) Establishing science, mathematics and technology internships in which pupils and teachers may work part time during the school term or full time during the summer, in this state, with industries, businesses, institutions of higher education or other agencies in science and technology-related fields.

(c) Developing or demonstrating biotechnology curriculum materials for use in educational programs or to train instructors in their use.

(3) (a) No project may be funded unless there is a matching fund contribution from the grant recipient of at least 50% of the cost of the project.

(b) The state superintendent may contract with a private nonprofit organization for the services under sub. (2), but no more than 7.5% of the total amount awarded for projects under sub. (2) may be used for such a contract.

(4) Projects shall be funded on an annual basis and may be funded for a period of no more than 3 years. Private funds and in-kind contributions may be used to meet any matching fund requirement. No project may be funded unless the state superintendent determines that all of the following conditions have been met:

(a) An award will not supplant funds otherwise available for the project.

(b) The application describes the method that will be used to evaluate the effectiveness of the project.

(c) There is a local commitment to maintain the project beyond the grant period, if the state superintendent determines that such a commitment is appropriate.

(d) The applicant authorizes the state superintendent to disseminate information about the results of the project.

(4m) The state superintendent shall ensure that the grant recipient for a project under sub. (2) (c) does all of the following:

(a) Develops curriculum materials that are balanced in their approach to biotechnology and include social, economic and environmental concerns.

(b) Makes the curriculum materials available to interested schools and other educational institutions at a reasonable costs.

(5) Amounts awarded under this section shall be paid from the appropriation under s. 20.255 (2) (be) and may be paid in instalments. The state superintendent shall ensure that, to the extent possible, grants are equally distributed on a statewide basis.

(6) By August 1 following each school year for which a grant is awarded, each grant recipient shall submit a report to the state superintendent evaluating the effectiveness of the funded project in the previous school year. The report shall include an accounting of all expenditures made on behalf of the project.

(7) The state superintendent shall promulgate rules to implement and administer this section.

SECTION 2268m. 115.395 of the statutes is created to read:

115.395 Japanese language and culture grants. (1) Beginning in the 1990-91 school year, the state superintendent shall award grants to one or 2 school districts to implement a Japanese language and culture program for middle school and high school pupils. The grants may be used for any of the following purposes:

(a) The development of a curriculum.

(b) Immersion training in Japanese for teachers.

(c) The initial purchase of academic materials.

(2) The state superintendent may not award a grant to a school district under this section unless the school district provides 20% of the cost of the program. No school district may receive more than one grant. Grants shall be paid from the appropriation under s. 20.255 (2) (fj).

SECTION 2269m. 115.45 (1) of the statutes is repealed.

SECTION 2270. 115.45 (2) (b) of the statutes is amended to read:

115.45 (2) (b) The ~~state superintendent shall appoint a council for Milwaukee public schools grant programs under s. 15.04 (1) (e) to s. 115.28 (20) shall~~ review the applications submitted under par. (a) and make recommendations to the state superintendent regarding the schools to be selected and amounts of the grants to be awarded. The council's recommendations shall be based upon and include information regarding the degree to which the proposed projects will effectively meet the requirements under sub. (4).

SECTION 2270b. 115.45 (3m) of the statutes is created to read:

115.45 (3m) (a) In this subsection:

1. "Dropout" has the meaning given in s. 118.153 (1) (b).

2. "Low-income pupil" means a pupil for whom aid to families with dependent children is being received under s. 49.19.

(b) The state superintendent shall give priority in awarding grants under this section to programs in existence on the effective date of this paragraph [revisor inserts date], that have proven successful and to programs established in school districts with a high number of dropouts and low-income pupils.

~~SECTION 2270c. 115.45 (4) (b) (intro.) of the statutes is renumbered 115.45 (4) (b) and amended to read:~~

Vetoed
in Part

~~115.45 (4) (b) Beginning in the 1987-88 school year, each Each identified school or private service provider shall annually evaluate the the effectiveness of its program on pupil performance using an evaluation method developed by the school board and approved by the state superintendent.~~

~~SECTION 2270g. 115.45 (4) (b) 1 and 2 of the statutes are repealed.~~

SECTION 2270r. 115.45 (8) of the statutes is repealed.

SECTION 2270t. 115.45 (9) of the statutes is created to read:

115.45 (9) (a) If a pupil attending a school receiving a grant under this section moves from the attendance area for that school to another attendance area after the 3rd Friday in September during any school term, the school board may offer the pupil the opportunity to continue to attend school for the remainder of the

school term at the school he or she was originally attending.

(b) Of the amounts in the appropriation under s. 20.255 (2) (do), the state superintendent shall allocate funds to school districts to pay the costs of transporting pupils under par. (a).

(c) The school districts receiving funds under par. (b) shall give first priority under par. (a) to first grade students.

SECTION 2270x. 115.45 (10) of the statutes is created to read:

115.45 (10) Grants under this section shall be awarded for a 3-year period. The state superintendent and the grant recipient shall jointly establish performance objectives for each proposed project and criteria for evaluating whether the project meets the objectives. At the end of the 3-year period, the state superintendent shall determine whether the project met its objectives. A grant may not be renewed unless the state superintendent determines that the project met its objectives.

~~SECTION 2271p. 115.80 (3) (f) of the statutes is created to read:~~

~~115.80 (3) (f) If the multidisciplinary team does not recommend a child for special education, it shall recommend to the school board any other programs or services it deems to be in the best interest of the child, including special assistance provided by a classroom teacher or other school personnel, consultative services, referral to other programs or services offered by the school district or referral to community agencies or services.~~

Vetoed
in Part

~~SECTION 2271s. 115.80 (4g) of the statutes is created to read:~~

~~115.80 (4g) TEACHER'S REPORT. The school district shall require a teacher designated by the principal of the school attended by each child for whom recommendations have been made under sub. (3) (f) to prepare an annual written report describing the programs and services that were provided to the child to meet his or her special needs during the school year ending with the report, evaluating the child's progress during that school year and recommending the continuation of, or changes in, the programs and services provided to the child. A copy of the report shall be given to the pupil's parent or guardian. The report shall be prepared annually until the teacher preparing the report recommends, and the child's parent or guardian agrees, that the reports shall no longer be prepared.~~

SECTION 2271sb. 115.85 (2m) of the statutes is amended to read:

115.85 (2m) PLACEMENT DISPUTES. If a dispute arises between the school board and the department of health and social services or a county department under s. 46.215, 46.22 or 46.23 over the placement of a child in an appropriate program under sub. (2), the state superintendent shall resolve the dispute. This subsection applies only to placements in nonresiden-

tial educational programs made under ss. 48.48 (4), 48.553 (3) and 48.57 (1) (c).

SECTION 2271sm. 115.86 (5) (c) of the statutes is created to read:

115.86 (5) (c) If the county board of supervisors establishes an integrated service program for children with severe disabilities under s. 59.07 (147), the county handicapped children's education board shall participate in an integrated service program for children with severe disabilities under s. 59.07 (147), and may enter into written interagency agreements or contracts under the program.

SECTION 2272t. 115.93 (1m) of the statutes is amended to read:

115.93 (1m) Annually by August 15, the department of health and social services shall submit to the state superintendent a report identifying each school board that has entered into a contract with the department of health and social services for the provision or start-up of day care programs under s. 46.99. Except as provided under sub. (2), upon receipt of the report the state superintendent shall certify to the department of administration in favor of each such school district a sum equal to 63% of the amount expended by the school district during the preceding school year on educational services for student parents enrolled in the program under s. 46.99, including salaries of teachers and instructional aids, special transportation and other expenses approved by the state superintendent. The department of administration shall pay such amounts to the school district from the appropriation under s. 20.255 (2) (b).

SECTION 2273m. 116.03 (13m) of the statutes is created to read:

116.03 (13m) If the county board of supervisors establishes an integrated service program for children with severe disabilities under s. 59.07 (147), participate in an integrated service program for children with severe disabilities under s. 59.07 (147) and may enter into written interagency agreements or contracts under the program.

SECTION 2275m. 118.01 (2) (c) 8 of the statutes is created to read:

118.01 (2) (c) 8. At all grade levels, an understanding of human relations, particularly with regard to American Indians, Black Americans and Hispanics.

SECTION 2277. 118.125 (4) of the statutes is amended to read:

118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall transfer to another school or school district all pupil records relating to a specific pupil if the transferring school district has received written notice from the pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor that the pupil intends to enroll in the other school or school district or written notice from the other school or school district that the pupil has enrolled or from a court that legal custody of the pupil has been transferred to the department of health and

~~social services corrections~~ for placement in a juvenile correctional facility. In this subsection, "school" and "school district" include any state juvenile correctional facility which provides an educational program for its residents instead of or in addition to that which is provided by public and private schools.

~~SECTION 2277e. 118.15 (1) (dm) of the statutes is created to read:~~

~~118.15 (1) (dm) The school board or a designee of the school board shall render a decision within 90 days of a request under par. (d), except that if the request relates to a child who has been evaluated by a multidisciplinary team under s. 115.80 and has not been recommended for special education, the school board or designee shall render a decision within 30 days of the request. If the request is denied, the school board or designee shall give the reasons for the denial. If the request under par. (d) was in writing, the school board's or designee's decision shall be in writing.~~

~~SECTION 2277m. 118.15 (1) (e) of the statutes is amended to read:~~

~~118.15 (1) (e) Any decision made by a school board or a designee of the school board in response to a request for program or curriculum modifications under par. (d) shall be reviewed by the school board upon request of the child's parent or guardian. The school board shall render its determination upon review in writing, if the child's parent or guardian so requests.~~

SECTION 2277s. 118.15 (1) (f) of the statutes is created to read:

118.15 (1) (f) At the beginning of each school term, the school board shall notify the pupils enrolled in the school district and their parents or guardians of the substance of pars. (d), ~~(dm) and (e).~~

SECTION 2277x. 118.15 (5) (a) of the statutes is amended to read:

118.15 (5) (a) Except as provided under par. (b) or if a person has been found guilty of a misdemeanor under s. 947.16 ~~948.45~~, whoever violates this section may be fined not more than \$500 or imprisoned for not more than 30 days or both, after evidence has been provided by the school attendance officer that the activities under s. 118.16 (5) have been completed. In a prosecution under this paragraph, if the defendant proves that he or she is unable to comply with the law because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under ch. 48.

SECTION 2278. 118.153 (1) (a) of the statutes is renumbered 118.153 (1) (a) (intro.) and amended to read:

118.153 (1) (a) (intro.) "Children at risk" means dropouts, ~~pupils who have been absent from school without acceptable excuses under s. 118.15 (1) (b) to (d) or (3), pupils who are parents and pupils who have been adjudicated delinquent;~~

1. Pupils who are also one or more years behind their age group in the number of credits attained or in

Vetoed
in Part

Vetoed
in Part

basic skill levels- and are also one or more of the following:

SECTION 2279. 118.153 (1) (a) 1. a to d of the statutes are created to read:

118.153 (1) (a) 1. a. Dropouts.

b. Absent, in any school semester, for more than 15% of the number of hours of direct pupil instruction required during that semester under s. 121.02 (1) (f) 2, whether such absences are excused or unexcused.

c. Parents.

d. Adjudicated delinquents.

SECTION 2280. 118.153 (1) (a) 2 and 3 of the statutes are created to read:

118.153 (1) (a) 2. Pupils in grades 5 to 8 who are 2 or more years behind their age group in basic skill levels.

3. Pupils in grades 5 to 8 who are one or more years behind their age group in basic skill levels and have been absent, in any school semester, for more than 10% of the number of hours of direct pupil instruction required during that semester under s. 121.02 (1) (f) 2, whether such absences are excused or unexcused.

SECTION 2281. 118.153 (2) (a) of the statutes is renumbered 118.153 (2) (a) (intro.) and amended to read:

118.153 (2) (a) (intro.) ~~By August 15, 1986, and annually thereafter, every~~ Every school board shall identify the children at risk who are enrolled in the school district and annually by August 15 develop a plan describing how the school board will meet ~~the their needs of such children through curriculum modifications and alternative programs that meet the high school graduation requirements under s. 118.33.~~ The plan shall ~~also describe~~ do all of the following:

1. Describe how curriculum modifications, alternative programs, remedial instruction, parental involvement and pupil and community support services will be used to meet the needs of the children at risk.

SECTION 2282. 118.153 (2) (a) 2 and 3 of the statutes are created to read:

118.153 (2) (a) 2. Include a list of all community support services available to the children at risk and describe how the services will be used and coordinated to meet the needs of the children at risk.

3. Provide for parent-teacher conferences for parents of children at risk and describe how parental involvement will be used to meet the needs of the children at risk.

SECTION 2282g. 118.153 (2) (b) of the statutes is renumbered 118.153 (2) (b) 1.

SECTION 2282k. 118.153 (2) (b) 2 of the statutes is created to read:

118.153 (2) (b) 2. If in the previous school year a school district had a dropout rate greater than 2.5% but not exceeding 5%, the school board may submit the plan developed under par. (a) to the state superintendent for his or her approval.

SECTION 2282m. 118.153 (3) (a) 2 of the statutes is amended to read:

118.153 (3) (a) 2. Upon request of a pupil who is a child at risk or the pupil's parent or guardian, the school board shall enroll the pupil in the program for children at risk. If a school board makes available more than one program for children at risk, the school board shall enroll the pupil in the program selected by the pupil's parent or guardian if the pupil meets the prerequisites for that program.

~~SECTION 2283. 118.153 (3) (b) of the statutes is amended to read:~~

~~118.153 (3) (b) Programs for children at risk enrolled in grades 9 to 12 shall be designed to allow the pupils enrolled to meet high school graduation requirements under s. 118.33.~~

SECTION 2284. 118.153 (3) (c) 1 of the statutes is amended to read:

118.153 (3) (c) 1. The school board of a school district operating under ch. 119 shall ~~determine~~ identify appropriate private, nonprofit, nonsectarian agencies located in the school district ~~to meet the requirements under par. (a) and (b) for that are capable of meeting the needs of the children at risk enrolled in the school district and the requirement under par. (b).~~

SECTION 2285. 118.153 (3) (c) 2 of the statutes is amended to read:

118.153 (3) (c) 2. The school board may contract with the agencies ~~described~~ identified under subd. 1 for ~~not more than 30% of the children at risk enrolled in the school district in grades 9 to 12~~ if the school board determines that the agencies can adequately serve ~~30% of such children.~~

SECTION 2286m. 118.153 (4) (b) of the statutes is amended to read:

118.153 (4) (b) ~~If Except as provided under par. (d), if~~ upon receipt of a school board's annual report under par. (a) the state superintendent determines that any 3 of the conditions listed under par. (c) existed in the school district in the previous school year, the school district shall receive from the appropriation under s. 20.255 (2) (ac), for each pupil enrolled in the school district's program for children at risk, additional state aid in an amount equal to 10% of the school district's average per pupil aids provided under s. 20.255 (2) (ac) ~~and, (ad), (an) and (q)~~ in the previous school year.

SECTION 2287. 118.153 (4) (c) 5 of the statutes is amended to read:

118.153 (4) (c) 5. The school district's program for children at risk can show, ~~on average, at least one month of significant~~ improvement in reading and mathematics performance for each ~~month semester of~~ instruction.

SECTION 2287g. 118.153 (4) (d) of the statutes is created to read:

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

118.153 (4) (d) The state superintendent may not provide additional aid under par. (b) to a school district for a children at risk program serving pupils in grades 5 or 6 unless the program met all of the following requirements in the previous school year:

1. The average attendance rate for the pupils enrolled in the program was at least 90%.
2. At least 80% of the pupils enrolled in the program demonstrated significant academic progress.

3. At least 70% of the parents or guardians of the pupils enrolled in the program participated in parent involvement activities established by the school board.

SECTION 2887m. 118.153 (5m) of the statutes is created to read:

Vetoed in Part 118.153 (5m) (a) A school district receiving additional state aid under sub. (4) (b) may apply to the state superintendent for a grant to fund a program designed to meet the needs of children at risk who are enrolled in grades 7 to 12. Notwithstanding sub. (1) (a), in this paragraph, "children at risk" means pupils who are 2 or more years behind their age group in the number of credits attained or in basic skill levels and are also one or more of the following:

1. Dropouts.
2. Absent, in any school semester, for more than 15% of the number of hours of direct pupil instruction required during that semester under s. 121.02 (1) (f) 2, whether such absences are excused or unexcused.
3. Parents.
4. Adjudicated delinquents.
5. Under a court order to attend an educational program.

(b) The state superintendent shall review the applications and determine which of the school districts eligible for funding will receive grants. A school district's program is eligible for funding if the program does all of the following:

1. Operates for a full day every school day.
2. Maintains a class size of no more than 15 pupils.
3. Provides access to an educational program that allows the pupils to meet the high school graduation requirements under s. 118.33.
4. Provides for parent-teacher conferences at least once each semester.
5. Meets any 3 of the performance criteria under sub. (4) (c).

(c) A school district may receive a grant under this subsection only if the school district does all of the following:

1. Prepares a written, individual educational plan for each pupil when he or she enters the program. The plan shall describe how the pupil's parent or guardian will assist in meeting the pupil's needs, include work experience, provide for the use of community services, as appropriate to meet the pupil's needs, including mental health services, alcohol or other drug abuse program services, child care services or other health or social services, and provide for the coordination of

work experience and community services with the other elements of the plan.

2. Provides the program or services specified in the individual educational plan or arranges for the provision of the program or services.

3. Assesses each pupil's progress in the program at least annually.

4. Based on the annual assessment, revises the pupil's individual educational plan.

5. Ensures that school district staff, in preparing or revising a pupil's individual educational plan, consult with the pupil's parent or guardian, teachers and any other staff who have worked with the pupil.

(d) If the state superintendent determines to award a grant to a school district under this subsection, the amount of the grant shall be determined as follows, subject to par. (e):

1. Divide the state aid received by the school district in the previous school year under s. 121.08 by the school district's membership in the previous school year. In this subdivision, "membership" has the meaning given in s. 121.004 (5).

2. Multiply the quotient under subd. 1 by the number of pupils enrolled in the program under this subsection.

3. Multiply the product under subd. 2 by 0.4.

(e) 1. A school district may not receive additional state aid under sub. (4) (b) and a grant under this subsection for the same pupil.

2. No more than 250 pupils may be funded under this subsection in any school year.

3. If the school district operating under ch. 119 is selected to receive a grant under this subsection, the school district may receive funding for no more than 150 pupils in any school year. Subsection (3) (c) applies to the school district operating under ch. 119.

(f) No grant under this subsection may be awarded before July 1, 1990. Grants shall be awarded from the appropriation under s. 20.255 (2) (ch).

SECTION 2288e. 118.153 (6) of the statutes is amended to read:

118.153 (6) Annually Biennially, the legislative audit bureau shall audit school district eligibility, performance criteria and state aid payments under this section.

SECTION 2288m. 118.19 (8) of the statutes is created to read:

118.19 (8) Beginning July 1, 1992, the state superintendent may not grant to any person a license to teach unless the person has received instruction in the study of minority group relations, including instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state.

SECTION 2288sm. 119.04 (1) of the statutes is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28

Vetoed in Part

(15), 115.33, 115.34, 115.343, 115.345, 115.45, 118.01 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.15, 118.153, 118.16, 118.162, 118.163, 118.18, 118.19 (3) (b) and (7), 118.20, 118.24 (2) (c) to (f), 118.255, 118.30 to 118.35, 120.12 (5), (15), (17) and, (18) and (19), 120.125 and 120.13 (1), (2) (b) to (f), (14), (17) to (19), (26) and (34) are applicable to a 1st class city school district and board.

SECTION 2295. 119.18 (17) of the statutes is amended to read:

119.18 (17) PURCHASES FROM HOUSE OF CORRECTION. The board may purchase for use in the schools, from any county in which the city is located, furniture, furnishings and equipment manufactured in any house of correction under s. ~~56.16~~ 303.16 (1). The board may waive the furnishing by the county or institution of bid bonds and performance bonds otherwise required by the statutes in connection with any such purchase.

SECTION 2299m. 119.34 (4) of the statutes is amended to read:

119.34 (4) The secretary-business manager shall take an annual census of all persons between the ages of 4 and 20 residing in the city and at the same time shall collect such additional statistics and information relating to schools and the population entitled to school privileges in the city as the board directs. The census may be estimated by using statistically significant sampling techniques that have been approved by the state superintendent.

SECTION 2301m. 119.44 (3) of the statutes is amended to read:

119.44 (3) Rules promulgated under s. 120.18 ~~(4)~~ (3) apply to the information reported under sub. (2).

SECTION 2302. 119.495 of the statutes is created to read:

119.495 Borrowing on promissory notes. (1) Between July 1, 1989, and the first Monday in August, 1993, upon adopting a resolution by a two-thirds vote of the members elect, the board may direct the common council to issue promissory notes under s. 67.12 (12) for the purpose of providing additional classroom space to accommodate anticipated school enrollments.

(2) The board shall include in its budget transmitted to the common council under s. 119.16 (8) (b) a written notice specifying the amount of borrowing to be authorized in the budget for the ensuing year. The common council shall issue the notes and levy a direct annual irrepealable tax sufficient to pay the principal and interest on the notes as they become due. The common council may issue the notes by private sale. The common council shall make every effort to involve a minority investment firm certified under s. 560.036 as managing underwriter of the notes or to engage a minority financial adviser certified under s. 560.036 to advise the city regarding any public sale of the notes.

(3) The common council may not issue a note under this section or sell a note issued under this section after June 30, 1994. The total amount of notes issued under this section may not exceed \$27,500,000.

(4) The board may enter into a contract in anticipation of the sale of the notes on the same basis upon which a 1st class city may contract in anticipation of the sale of bonds under s. 67.10 (6).

(5) The city's budgetary authorization for borrowing in 1989 is increased by \$10,000,000 for the purpose of this section.

SECTION 2308. 119.71 (2) of the statutes is amended to read:

119.71 (2) From the appropriation under s. 20.255 (2) (ec), the state superintendent shall pay to the board ~~\$2,400,000~~ \$3,627,000 in the 1988-89 1989-90 school year.

~~SECTION 2309m. 119.71 (4) of the statutes is created to read:~~

~~119.71 (4) The board may use up to \$385,000 of the amount received under sub. (2) in the 1989-90 school year to provide extended-day kindergarten programs for 3-year-olds, 4-year-olds and 5-year-olds and to provide an extended first grade program for 6-year-olds.~~

SECTION 2309ng. 119.72 (1) (b) of the statutes is amended to read:

119.72 (1) (b) Offers developmental child day care and early childhood education through age 6 at least 10 hours each day for at least ~~260~~ 250 days each year.

SECTION 2309nn. 119.72 (1) (g) of the statutes is renumbered 119.72 (1) (e) 4 and amended to read:

119.72 (1) (e) 4. ~~Provides~~ Participation in activities that support and enhance the parents' role ~~as the principal influence~~ in their child's education and development.

SECTION 2309np. 119.72 (2) (intro.) of the statutes is amended to read:

119.72 (2) (intro.) The board shall ensure that at least ~~50%~~ 75% of the children participating in each day care center's program under this section fall into one or more of the following categories:

SECTION 2309nw. 119.72 (4) of the statutes is amended to read:

119.72 (4) The board shall evaluate the success of the program under this section ~~through the use of standardized basic educational skills tests and by collecting data on the appropriate placements for the pupils at the end of the first grade or by any other method it deems appropriate.~~

SECTION 2309p. 119.72 (5) (a) of the statutes is repealed.

SECTION 2309r. 119.72 (5) (b) of the statutes is renumbered 119.72 (5) and amended to read:

119.72 (5) From the appropriation under s. 20.255 (2) (ec), the state superintendent annually shall pay to the board ~~an amount equal to the amount paid by the~~

Vetoed
in Part

~~board under sub. (3) less the amount of state aid received by the board in the same school year \$739,000 for the program under this section.~~

SECTION 2309u. 119.72 (5) (c) of the statutes is repealed.

SECTION 2309v. 119.72 (6) of the statutes is created to read:

119.72 (6) Notwithstanding s. 121.54, the board is not required to provide transportation for children attending a day care center under this section.

SECTION 2309w. 119.74 (4) of the statutes is amended to read:

119.74 (4) If the state superintendent approves the training plan under sub. (2), he or she shall award a grant to the board for the mentor program in an amount equal to the amount of private contributions supporting the program, but not exceeding \$100,000 in any school year. Amounts shall be awarded from the appropriation under s. 20.255 (2) ~~(ee)~~ (em).

SECTION 2311. 119.75 of the statutes is created to read:

119.75 First grade programs. (1) The board shall provide expanded educational opportunities for first grade pupils who have participated in an expanded 5-year-old kindergarten program under s. 119.71.

(2) (a) From the appropriation under s. 20.255 (2) (ec), the state superintendent shall pay to the board \$374,000 in the 1989-90 school year.

(b) The board shall use the funds received under par. (a) to pay the costs of teachers, aides and other support staff, transportation of staff to pupils' homes, in-service programs, parental involvement programs and instructional materials related to the programs under sub. (1). The board may not use the funds to supplant or replace funding otherwise available for first grade programs or to provide facilities to house the programs under sub. (1) or to pay pupil transportation or indirect administrative costs associated with the programs under sub. (1).

SECTION 2314. 119.78 of the statutes is created to read:

119.78 Family resource center. (1) The board shall establish a family resource center to distribute parent education materials, conduct workshops on child development, facilitate communication between school personnel and parents of pupils enrolled in the school district and provide volunteer opportunities for parents within the schools.

(2) From the appropriation under s. 20.255 (2) (ec), the state superintendent shall pay to the board \$160,000 in the 1989-90 school year to fund the family resource center under sub. (1).

SECTION 2316m. 119.80 of the statutes is created to read:

119.80 Spending plan. (1) By December 1, 1989, the board shall submit to the governor and the state superintendent a proposal for the expenditure of the

funds in the appropriation under s. 20.255 (2) (ec) in the 1990-91 fiscal year.

(2) ~~By January 1, 1990, the governor and the state superintendent shall submit to the joint committee on finance and the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3) a joint proposal for the expenditure of the funds in the appropriation under s. 20.255 (2) (ec) in the 1990-91 fiscal year. Within 30 days after receiving the proposal, each such standing committee may submit written recommendations on the proposal to the joint committee on finance.~~

~~(3) The joint committee on finance shall schedule a meeting to approve, modify or disapprove the proposal.~~

~~(4) Any change to a proposal approved by the joint committee on finance is subject to the committee's review and approval.~~

SECTION 2316nn. 120.12 (5) of the statutes is amended to read:

120.12 (5) REPAIR OF SCHOOL BUILDINGS. Keep the school buildings and grounds in good repair, suitably equipped and in safe and sanitary condition at all times. The school board shall establish an annual building maintenance schedule.

SECTION 2316pm. 120.12 (19) of the statutes is created to read:

120.12 (19) INTEGRATED SERVICE PROGRAM. If the county board of supervisors establishes an integrated service program for children with severe disabilities under s. 59.07 (147), participate in an integrated service program for children with severe disabilities under s. 59.07 (147) and may enter into written inter-agency agreements or contracts under the program.

SECTION 2317b. 120.13 (1) (b) of the statutes is amended to read:

120.13 (1) (b) The school district administrator or any principal or teacher designated by the school district administrator also may make rules, with the consent of the school board, and may suspend a pupil for not more than 3 school days or, if a notice of expulsion hearing has been sent under par. (c) or (e) or s. 119.25, for not more than a total of 7 ~~10~~ consecutive school days for noncompliance with such rules or school board rules, or for knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives, or for conduct by the pupil while at school or while under the supervision of a school authority which endangers the property, health or safety of others, or for conduct while not at school or while not under the supervision of a school authority which endangers the property, health or safety of others at school or under the supervision of a school authority. Prior to any suspension, the pupil shall be advised of the reason for the proposed suspension. The pupil may be suspended if it is determined that the pupil is guilty of noncompliance with such rule, or of the conduct charged, and that the

Vetoed
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pupil's suspension is reasonably justified. The parent or guardian of a suspended minor pupil shall be given prompt notice of the suspension and the reason for the suspension. The suspended pupil or the pupil's parent or guardian may, within 5 school days following the commencement of the suspension, have a conference with the school district administrator or his or her designee who shall be someone other than a principal, administrator or teacher in the suspended pupil's school. If the school district administrator or his or her designee finds that the pupil was suspended unfairly or unjustly, or that the suspension was inappropriate, given the nature of the alleged offense, or that the pupil suffered undue consequences or penalties as a result of the suspension, reference to the suspension on the pupil's school record shall be expunged. Such finding shall be made within 15 days of the conference. A pupil suspended under this paragraph shall not be denied the opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.

Vetoed
in Part

~~SECTION 2317g. 120.13 (2) (b) and (c) of the statutes are amended to read:~~

~~120.13 (2) (b) Provide health care benefits on a self-insured basis to the employees of the school district if the school district has at least 100 employees who are eligible for health care benefits. In addition, any 2 or more school districts which together have at least 100 employees who are eligible for health care benefits may jointly provide health care benefits on a self-insured basis to employees of the school districts.~~

~~(c) Any self-insurance plan under par. (b) which covers less than 1,000 employees shall include excess or stop-loss reinsurance insurance obtained through an insurer authorized to do business in this state, for the purpose of covering all eligible claims incurred during the term of the policy or contract. The commissioner of insurance may prescribe, by rule or order, detailed requirements for excess or stop-loss insurance under this paragraph. Any self-insured plan subject to this paragraph shall comply with the excess or stop-loss insurance requirements prescribed by the commissioner of insurance by rule or order.~~

~~SECTION 2317h. 120.13 (2) (cm) of the statutes is created to read:~~

~~120.13 (2) (cm) Each self-insured plan under par. (b) is an employee welfare fund, as defined in s. 641.07 (2), subject to ch. 641 and rules promulgated under ch. 641.~~

~~SECTION 2317i. 120.13 (2) (d) of the statutes is amended to read:~~

~~120.13 (2) (d) The commissioner of insurance may prescribe detailed requirements for reinsurance under par. (c) by rule or by order. The commissioner of insurance may promulgate rules governing, by rule, subject self-insurance plans under pars. (b) to (f) to ensure that they comply with all applicable to any provisions of chs. 600 to 647, 601 and 628 to 632 and~~

~~to any rules promulgated under those chapters. In addition, the commissioner of insurance may promulgate other rules regulating self-insured plans under par. (b). Self-insured plans under par. (b) shall comply with the rules promulgated under this paragraph.~~ Vetoed
in Part

~~SECTION 2317j. 120.13 (2) (dm) of the statutes is created to read:~~

~~120.13 (2) (dm) If 2 or more school districts join together to provide health care benefits on a self-insured basis under par. (b), the school districts shall establish a self-insured plan that is structured and administered as a single plan. Liabilities of the self-insured plan must be determined based upon the entire pool of participating employees. The liabilities may not be segregated among participating school districts but must be treated as liabilities of the self-insured plan as a whole.~~

~~SECTION 2318g. 120.18 of the statutes is renumbered 120.18 (1), and 120.18 (1) (a), as renumbered, is amended to read:~~

~~120.18 (1) (a) Except in a union high school district, the school census, showing the numbers and ages of children between the ages of 4 and 20 residing in the school district. The census may be estimated by using statistically significant sampling techniques that have been approved by the state superintendent. Children cared for at a charitable or penal institution of this state may not be included in the report. The school district clerk may employ a competent person to take the school census.~~

Vetoed
in Part

~~SECTION 2318m. 120.18 (2) and (3) of the statutes are created to read:~~

~~120.18 (2) Beginning with the report filed in 1991, the annual report shall contain the information described under s. 119.44 (2).~~ Vetoed
in Part

~~(3) The state superintendent may promulgate rules to implement and administer this section.~~

~~SECTION 2319. 121.007 of the statutes is amended to read:~~

~~**121.007 Use of state aid; exemption from execution.** All moneys paid to a school district under s. 20.255 (2) (ac), (ad), (cg) and, (cr) (g) shall be used by the school district solely for the purposes for which paid. Such moneys are exempt from execution, attachment, garnishment or other process in favor of creditors, except as to claims for salaries or wages of teachers and other school employees and as to claims for school materials, supplies, fuel and current repairs.~~

~~SECTION 2319m. 121.008 of the statutes is created to read:~~

~~**121.008 General aid distribution amounts.** The total amount to be distributed from the appropriations under section 20.255 (2) (ac), (ad) and (q) shall be \$1,383,628,100 in the 1989-90 school year and \$1,466,968,700 in the 1990-91 school year.~~

~~SECTION 2319r. 121.02 (j) (k) 4 of the statutes is created to read:~~ Vetoed
in Part

Vetoed in Part ~~121.02 (1) (K) 4. By July 1, 1991, develop a written sequential curriculum plan in foreign language for grades 9 to 12, and by July 1, 1994, develop a written sequential curriculum plan in foreign language for grades 5 to 8.~~

SECTION 2320m. 121.02 (1) (L) 4 of the statutes is created to read:

121.02 (1) (L) 4. Beginning September 1, 1991, as part of the social studies curriculum, include instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state at least twice in the elementary grades and at least once in the high school grades.

SECTION 2322e. 121.02 (1) (L) 5 of the statutes is created to read:

Vetoed in Part ~~121.02 (1) (L) 5. Beginning in the 1991-92 school year, provide regular instruction in foreign language in grades 7 and 8, and beginning in the 1994-95 school year, provide regular instruction in foreign language in grades 5 to 8.~~

Vetoed in Part ~~SECTION 2322s. 121.04 of the statutes is created to read:~~

Vetoed in Part ~~121.04. Aid for reducing kindergarten class size. (1) Beginning in the 1990-91 school year, the state superintendent shall pay to each school district an amount equal to \$20,000 for each kindergarten teacher hired by the school district in addition to the school district's base number of kindergarten teachers, as determined by the state superintendent, for the purpose of reducing the class size in 4-year-old and 5-year-old kindergarten programs to no more than 18 pupils.~~

~~(2) If a school district demonstrates to the state superintendent's satisfaction that attaining the class sizes specified under sub. (1) would create an unreasonable hardship, the school district may hire an instructional aide instead of a teacher authorized under sub. (1). The state superintendent shall pay to the school district an amount equal to \$7,500 for each instructional aide hired under this subsection.~~

~~(3) Aid under this section shall be paid from the appropriation under s. 20.255 (2) (br).~~

~~(4) The state superintendent shall promulgate rules to implement and administer this section, including rules defining "teacher", "pupil" and "unreasonable hardship". The definition of "teacher" shall include only personnel involved in regular instructional programs, and shall exclude special education, vocational education, art, music and physical education teachers. The definition of "pupil" shall include only pupils attending regular instructional programs, except that a pupil enrolled in a special education program shall be included if he or she receives more than 50% of his or her instruction in a regular classroom.~~

Vetoed in Part ~~SECTION 2328b. 121.06 (1) of the statutes is amended to read:~~

~~121.06 (1) Annually on or before October 1, the full value of the taxable property in each part of each city, village and town in each school district shall be deter-~~

~~mined by the department of revenue according to its best judgment from all sources of information available to it and shall be certified by the department to the state superintendent. The "estimated value" as defined in s. 70.114 (1) (b), of land for which aids are required to be paid during the next calendar year under s. 70.114 shall be included in the determination of full value of each city, village or town in each school district.~~

Vetoed in Part

SECTION 2328g. 121.07 (6) (a) of the statutes is renumbered 121.07 (6) (a) (intro.) and amended to read:

121.07 (6) (a) (intro.) "Shared cost" is the sum of the net cost of the general fund and the net cost of the debt service fund. The net cost of the debt service fund included in shared cost may not exceed an amount equal to \$90 \$110 multiplied by the membership. In this paragraph, "net cost of the debt service fund" includes all of the following amounts:

SECTION 2328r. 121.07 (6) (a) 1 and 2 of the statutes are created to read:

121.07 (6) (a) 1. If a school board makes an expenditure from a capital expansion fund created under s. 120.10 (10m), an amount determined by dividing the expenditure by the number of years in which the school district levied a tax for the capital project. This subdivision applies for the number of years equal to the number of years in which the school district levied a tax for the capital project.

2. The annual cost of leasing a school or other school district facility if the lease provides for construction of the school or facility and the lease either provides that ownership of the school or facility transfers to the school district at the termination of the lease or provides an option for such a transfer.

SECTION 2329. 121.07 (6) (b) of the statutes is amended to read:

121.07 (6) (b) The "primary ceiling cost per member" shall be \$3,860 \$4,335 in the 1987-88 1989-90 school year and \$4,090 \$4,595 in each school year thereafter, except as provided in s. 121.23.

SECTION 2330. 121.07 (7) (a) of the statutes is amended to read:

121.07 (7) (a) The "primary guaranteed valuation per member" is an amount, rounded to the next lowest dollar, that, after subtraction of payments under ss. 118.153 (4) (b), 121.09 and 121.85 (6) (b) 2 and 3 and (c), fully distributes the sum of the amount remaining in the appropriation under s. 20.255 (2) (ac) for payments under ss. 121.08, 121.10, 121.105, 121.135, 121.85 (6) (a) and (g) and 121.86 (2) and the amounts in the appropriations under s. 20.255 (2) (ad) and (q) for payments under s. 121.08.

SECTION 2333m. 121.10 (2) (a) to (c) of the statutes are amended to read:

121.10 (2) (a) To each school district in which the median household income is less than \$15,000, an amount which, when added to the amount of state aid

(b) To each school district in which the median household income is at least \$15,000 but less than ~~\$20,000~~ \$22,000 and the property tax levy determined under s. 120.12 (3) in the previous year was not above the average property tax levy determined under s. 120.12 (3) in the previous year by all school districts, an amount which, when added to the amount of state aid the school district will receive in the current school year, is equal to an amount determined by multiplying ~~\$135 in the 1986-87 school year and \$150 in each school year thereafter~~ \$175 by the membership.

(c) To each school district in which the median household income is at least \$15,000 but not more than \$25,000 and the property tax levy determined under s. 120.12 (3) in the previous year was above the average property tax levy determined under s. 120.12 (3) in the previous year by all school districts, an amount which, when added to the amount of state aid the school district will receive in the current school year, is equal to an amount determined by multiplying ~~\$225 in the 1986-87 school year and \$250 in each school year thereafter~~ \$300 by the membership.

SECTION 2333s. 121.10 (3) of the statutes is created to read:

in Part 121.10 (3) (a) If a school district is eligible to receive a payment under sub. (2) (a) or (c), and its property tax levy determined under s. 120.12 (3) in the previous year exceeded an amount equal to 125% of the average property tax levy determined under s. 120.12 (3) for all school districts that operate the same grades, the state shall pay the school district an amount determined by multiplying \$400 by the membership instead of the amount determined under sub. (2) (a) or (c).

Vetoed in Part (b) 1. If a school district is eligible to receive a payment under sub. (2) (s) and all of the following apply, the state shall pay the school district an amount determined by multiplying \$400 by the membership instead of the amount determined under sub. (2) (c):

~~a. The school district offers grades kindergarten to 12.~~

**Vetoed
in Part** 6. The school district's property tax levy determined under s. 120.12 (3) in the previous year exceeded an amount equal to 107% of the average property tax levy determined under s. 120.12 (3) for all school districts that operate grades kindergarten to

c. The school district's membership is less than 500, or the school district's school-age population, based on the annual school census, is greater than 2,800.

2. A school district entitled to minimum aid under subd. 1 in any school year continues to be entitled to such aid if it satisfies the requirements under subd. 1, a and c.

121.10 (4) ~~In the 1989-90 or 1990-91 school year,~~ if a school district is ineligible for a payment under sub. (2) or (3), the state superintendent shall pay to the school district in that school year, from the appropriation under s. 20.255 (2) (ac), an amount which, when added to the amount of state aid the school district will receive in that school year, is equal to an amount determined by multiplying \$100 by the membership.

SECTION 2334e. 121.105 (4) of the statutes is created to read:

121.105 (4) If a school district received aid under sub. (2) in the 1986-87, 1987-88 and 1988-89 school years and the school district's membership is less than 500, the school district is eligible for aid under sub. (2) even if the school district does not satisfy the requirement under sub. (2) (b) 1.

SECTION 2336m. 121.51 (1) of the statutes is amended to read:

121.51 (1) "Attendance area" is the geographic area designated by the governing body of a private school as the area from which its pupils attend and approved by the school board of the district in which the private school is located. If the private school and the school board cannot agree on the attendance area, the state superintendent shall, upon the request of the private school and the board, make a final determination of the attendance area. The attendance areas of private schools affiliated with the same religious denomination shall not overlap unless one school limits its enrollment to pupils of the same sex and the other school limits its enrollment to pupils of the opposite sex or admits pupils of both sexes.

SECTION 2337s. 121.84 (title) and (1) (a) and (b) of the statutes are amended to read:

121.84 (title) Tuition waiver; special cases. (1) (a) A school board may permit a pupil who is enrolled in a school under its jurisdiction and is a resident of the school district at the beginning of the 2nd semester of the school year to complete the school year at the school without payment of tuition, even though the pupil is no longer a resident of the school district.

(b) ~~The~~ Upon request of a pupil's parent or guardian, a school board of a district operating high school grades may shall permit a pupil who has gained 12th grade status in a high school under its jurisdiction and is a resident of the school district at the time of gaining such status to complete 12th grade at the high school without payment of tuition, even though the pupil is no longer a resident of the school district.

SECTION 2337sa. 121.84 (3) of the statutes is created to read:

121.84 (3) The school district of attendance shall continue to count pupils under sub. (1) in membership.

SECTION 2338c. 121.85 (6) (a) (intro.) of the statutes is amended to read:

121.85 (6) (a) (intro.) The school district of attendance of pupils transferring from one attendance area to another under subs. (3) (b) and (4) shall be entitled to an amount determined as follows:

SECTION 2338e. 121.85 (6) (a) 1 and 2 of the statutes are repealed and recreated to read:

121.85 (6) (a) 1. Divide the state aid received in the current school year under ss. 121.08 and 121.085 by the membership used to compute state aid to the school district for the current school year.

2. Multiply the number of transfer pupils by 0.325.

SECTION 2338g. 121.85 (6) (a) 3 of the statutes is created to read:

121.85 (6) (a) 3. Multiply the quotient under subd. 1 by the product under subd. 2.

SECTION 2338i. 121.85 (6) (f) of the statutes is amended to read:

121.85 (6) (f) *Exception.* A pupil enrolled in a 4-year-old kindergarten program or in a preschool program under subch. V of ch. 115 shall be counted multiplied under par. (a) as 2 by a number equal to the result obtained by multiplying ~~1.325~~ 0.325 by the appropriate fraction under s. 121.004 (7) (c) or (d), and shall be counted under par. (b) 1 as a number equal to the result obtained by multiplying 1.0 by the appropriate fraction under s. 121.004 (7) (c) or (d).

SECTION 2338L. 121.86 (2) (intro.) of the statutes is renumbered 121.86 (2) (a) (intro.) and amended to read:

121.86 (2) (a) (intro.) Except as provided under sub. (3), if a school board establishes a merged attendance area after January 1, 1984, for the purpose of reducing racial imbalance in the school district, the school district shall be entitled to an amount equal to that produced by counting the following pupils as 1.325 pupils in membership for general aid under subch. II determined as follows:

SECTION 2338n. 121.86 (2) (a) and (b) of the statutes are renumbered 121.86 (2) (b) and (c).

SECTION 2338p. 121.86 (2) (a) 1 to 3 of the statutes are created to read:

121.86 (2) (a) 1. Divide the state aid received in the current school year under ss. 121.08 and 121.085 by the membership used to compute state aid to the school district for the current school year.

2. Multiply the number of pupils enumerated under pars. (b) and (c) by 0.325.

3. Multiply the quotient under subd. 1 by the product under subd. 2.

SECTION 2338r. 121.86 (3) of the statutes is renumbered 121.86 (3) (a) and amended to read:

121.86 (3) (a) Pupils under sub. (2) (b) and (c) who are enrolled in a 4-year-old kindergarten program or in a preschool program under subch. V of ch. 115 shall be counted multiplied under sub. (2) as (a) 2 by a number equal to the result obtained by multiplying ~~1.325~~ 0.325 by the appropriate fraction under s. 121.004 (7) (c) or (d).

~~SECTION 2338t. 121.86 (3) (b) of the statutes is created to read:~~

~~121.86 (3) (b) A school district that received aid under this section in the 1988-89 school year is entitled to the amount determined under sub. (2) or the amount paid in the 1988-89 school year, whichever is greater.~~

SECTION 2338y. 121.87 of the statutes is created to read:

121.87 School district report. (1) Any school district that receives aid under this subchapter in the 1989-90 school year or in any school year thereafter shall submit a report to the state superintendent, on a form provided by the state superintendent, by August 15 of the following school year. The report shall include all of the following for the school year in which the school district received aid:

(a) The number of pupils who transferred to the school district, the number of pupils who transferred to another school district and the number of intradistrict transfers under this subchapter.

(b) The number of pupils who transferred to the school district under this subchapter who are eligible for free or reduced-price lunches under 42 USC 1758.

(c) A detailed description of how the school district used the aid received under this subchapter, including any expenditures on staff, materials and services that are not related to the special transfer program. The report shall separately describe the use of aid received under s. 121.85 (6) (b) 3.

(d) The additional costs incurred by the school district for the pupils who transferred to the school district under this subchapter, including the cost of any additional teachers and the costs of counseling, remediation and pupil transportation.

(e) Any other information requested by the state superintendent.

(2) The state superintendent shall develop a standard method for reporting under sub. (1).

SECTION 2341. 125.04 (3) (a) 4 of the statutes is renumbered 125.04 (3) (a) 6.

SECTION 2342. 125.04 (3) (a) 4 and 5 of the statutes are created to read:

125.04 (3) (a) 4. If the applicant is a corporation, the identity of the corporate officers and agent.

5. The applicant's trade name, if any.

SECTION 2343. 125.04 (3) (c) of the statutes is repealed and recreated to read:

125.04 (3) (c) *Distribution.* The department shall make one copy of each kind of license application that it prepares available to each municipality.

SECTION 2344. 125.04 (3) (d) of the statutes is renumbered 125.04 (3) (d) 1 and amended to read:

125.04 (3) (d) 1. An application form prepared by the department shall be used by each applicant for a permit or license, ~~other than a manager's or operator's license.~~

Vetoed
in Part

SECTION 2345. 125.04 (3) (d) 2 of the statutes is created to read:

125.04 (3) (d) 2. A replica of an application form prepared by the department shall be used by each applicant for a license, other than a manager's or operator's license.

SECTION 2346. 125.04 (4) (title) and (a) of the statutes are repealed and recreated to read:

125.04 (4) (title) DEPARTMENT NOTIFICATION. (a) *List of licensees.* By July 15 annually, the clerk of a municipality issuing licenses shall mail to the department a list containing the name, address and trade name of each person holding a license issued by that municipality, other than a manager's or operator's license or a license issued under s. 125.26 (6), the type of license held and, if the person holding the license is a corporation, the name of the agent appointed under sub. (6).

SECTION 2347. 125.04 (4) (c) of the statutes is repealed.

SECTION 2348. 125.04 (6) (a) 1 of the statutes is amended to read:

125.04 (6) (a) 1. The corporation first appoints an agent in the manner prescribed by the department authority issuing the license or permit. In addition to the qualifications under sub. (5), the agent must, with respect to character, record and reputation, be satisfactory to the department issuing authority.

SECTION 2349. 125.04 (6) (b) 2 of the statutes is amended to read:

125.04 (6) (b) 2. The corporation shall immediately notify the ~~department, and the~~ issuing authority if ~~a license is held~~, in writing, of the appointment of the successor agent and the reason for the cancellation and new appointment.

SECTION 2350. 125.04 (6) (c) to (e) of the statutes are amended to read:

125.04 (6) (c) *Authority of successor.* A successor agent shall have all the authority, perform all the functions and be charged with all the duties of the previous agent of the corporation until the next regular or special meeting of the issuing authority if a license is held. However, the license of the corporation shall cease to be in force if, prior to the next regular or special meeting of the issuing authority, the clerk of the licensing authority receives notice of disapproval of the successor agent by ~~the department or~~ a peace officer of the municipality issuing the license.

(d) *Approval of successor.* The license of the corporation shall not be in force after the next regular or special meeting of the licensing authority unless and until the successor agent or another qualified agent is appointed and approved by the licensing authority ~~and the department~~.

(e) *Fee.* The corporation shall, following the approval of each successor agent or another qualified agent by the licensing authority ~~and the department~~, pay to the licensing authority a fee of \$10.

SECTION 2351. 125.04 (12) (a) of the statutes is amended to read:

125.04 (12) (a) *From place to place.* Every alcohol beverage license or permit may be transferred to another place or premises within the same municipality. An alcohol beverage warehouse permit under s. 125.19, a winery permit under s. 125.53 or an intoxicating liquor wholesaler's permit under s. 125.54 may be transferred to another premises within this state. Transfers shall be made by the issuing authority upon payment of a fee of \$10. No retail licensee, retail permittee, intoxicating liquor wholesaler or holder of a warehouse or winery permit is entitled to more than one transfer during the license or permit year. ~~The issuing authority shall promptly notify the department of all transfers.~~

SECTION 2352. 125.05 (1) (b) 7 of the statutes is repealed.

SECTION 2353. 125.05 (1) (b) 8 of the statutes is amended to read:

125.05 (1) (b) 8. After the conditions of ~~subd.~~ subd. 6 ~~and 7~~ are satisfied, the clerk shall promptly order that each question stated in a petition found to be sufficient shall be submitted to the electors at the election to be held on the first Tuesday of April following the date of the order.

SECTION 2354. 125.05 (1) (b) 11 of the statutes is amended to read:

125.05 (1) (b) 11. The election on any question shall be conducted in the same manner as other elections are conducted in the municipality. The canvassers shall determine and immediately certify the results of the election. ~~Within 10 days after the election, the clerk shall notify the department of the results.~~

SECTION 2354c. 125.07 (4) (bs) of the statutes is created to read:

125.07 (4) (bs) Any person violating par. (a) is subject to the following penalties:

1. For a first violation, a forfeiture of not less than \$250 nor more than \$500, suspension of the person's operating privilege as provided under s. 343.30 (6) (b) 1, participation in a supervised work program under par. (cg) or any combination of these penalties.

2. For a violation committed within 12 months of a previous violation, either a forfeiture of not less than \$300 nor more than \$500, suspension of the person's operating privilege as provided under s. 343.30 (6) (b) 2, participation in a supervised work program under par. (cg) or any combination of these penalties.

3. For a violation committed within 12 months of 2 or more previous violations, either a forfeiture of \$500, revocation of the person's operating privilege under s. 343.30 (6) (b) 3, participation in a supervised work program under par. (cg) or any combination of these penalties.

SECTION 2354g. 125.07 (4) (c) (intro.) of the statutes is amended to read:

125.07 (4) (c) (intro.) Any person violating par. (a) or (b) is subject to the following penalties:

SECTION 2354n. 125.07 (4) (cd) of the statutes is amended to read:

125.07 (4) (cd) For purposes of par. (bs) or (c), all violations arising out of the same incident or occurrence shall be counted as a single violation.

SECTION 2354r. 125.07 (4) (cg) 1 of the statutes is amended to read:

125.07 (4) (cg) 1. If the court orders a person to participate in a supervised work program under par. (bs) or (c), the court shall set standards for the program within the budgetary limits established by the county board of supervisors. The program may provide the person with reasonable compensation reflecting the market value of the work performed, or it may consist of uncompensated community service work, and shall be administered by the county department under s. 46.215 or 46.22 or a community agency approved by the court.

SECTION 2354w. 125.07 (4) (cm) of the statutes is amended to read:

125.07 (4) (cm) When a court revokes or suspends a person's operating privilege under par. (bs) or (c), the department of transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this paragraph may not disclose the information to any other person or agency.

SECTION 2355. 125.08 of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed.

SECTION 2355d. 125.08 (3) (a) of the statutes is amended to read:

125.08 (3) (a) *Persons who have attained the legal drinking age.* 1. Any person who has attained the legal drinking age, other than one authorized by this section or s. 343.50, who makes, alters or duplicates an official identification card, who provides an official identification card to an underage person or who knowingly provides other documentation to an underage person purporting to show that the underage person has attained the legal drinking age may be fined not less than ~~\$50~~ \$100 nor more than \$500 or imprisoned not less than 10 days nor more than 30 days or both.

2. Any person who has attained the legal drinking age who, in applying for an identification card, presents false information to the issuing officer may be fined not less than ~~\$50~~ \$100 nor more than \$100 ~~\$500~~ or imprisoned not more than 10 days or both.

SECTION 2355f. 125.08 (3) (b) (intro.) of the statutes is amended to read:

125.08 (3) (b) *Underage persons.* (intro.) Any underage person who does any of the following is subject to the penalties specified under s. 125.07 (4) (e) or

(d), ~~except that the court may increase the forfeiture for a first violation or a 2nd violation within 12 months to not a forfeiture of not less than \$100 nor more than \$500:~~

SECTION 2356. 125.085 of the statutes is created to read:

125.085 Proof of age. (1) **DEFINITION.** In this section, "official identification card" means a valid operator's license issued under ch. 343 that contains the photograph of the holder, an identification card issued under s. 343.50 or an identification card issued under s. 125.08, 1987 stats.

(2) **USE.** No card other than the identification card authorized under this section may be recognized as an official identification card in this state. In place of an official identification card, documentary proof under s. 125.07 (7) may be substituted.

(3) **PENALTIES FOR FALSIFICATION OF PROOF OF AGE.**

(a) *Persons who have attained the legal drinking age.* Any person who has attained the legal drinking age who makes, alters or duplicates an official identification card, who provides an official identification card to an underage person or who knowingly provides other documentation to an underage person purporting to show that the underage person has attained the legal drinking age may be fined not less than \$100 nor more than \$500 or imprisoned for not less than 10 days nor more than 30 days or both. This paragraph does not apply to a person who is authorized to make an official identification card under ch. 343.

(b) *Underage persons.* Any underage person who does any of the following is subject to a forfeiture of not less than \$100 nor more than \$500:

1. Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information.

2. Makes, alters or duplicates an official identification card.

3. Presents false information to an issuing officer in applying for an official identification card.

4. Intentionally carries an official identification card or other documentation showing that the person has attained the legal drinking age, with knowledge that the official identification card or documentation is false.

5. Provides to another underage person an official identification card or other documentation purporting to show that the other underage person has attained the legal drinking age, with knowledge that the official identification card or documentation is false.

(c) *Confiscation of card.* A law enforcement officer investigating an alleged violation of par. (b) shall confiscate any official identification card or other documentation that constitutes evidence of the violation.

SECTION 2357. 125.10 (2) of the statutes is amended to read:

125.10 (2) REGULATION OF UNDERAGE PERSONS. A municipality or a county may adopt an ordinance regulating conduct regulated by s. 125.07 (4) (a), (b) or (bm), ~~125.08~~ 125.085 (3) (b) or 125.09 (2) only if it strictly conforms to the statutory subsection. A county ordinance adopted under this subsection does not apply within any municipality that has adopted or adopts an ordinance under this subsection.

SECTION 2358. 125.28 (3) of the statutes is created to read:

125.28 (3) WHOLESALE REGISTRATION. Every wholesaler shall file with the department, in the form prescribed by the department, proof that the wholesaler is the possessor of a license issued under sub. (1) or (2) by a municipal governing body and the license number assigned to the wholesaler. The department shall register the license number in the name of the wholesaler.

SECTION 2358cm. 125.33 (2) (hm) of the statutes is created to read:

125.33 (2) (hm) Contribute money or other things of value to or for a nonprofit corporation which conducts an autumn ethnic festival of limited duration in a 2nd class city that had a population in 1986 of at least 49,000 but less than 50,000, if that festival is sponsored and endorsed in whole or part by that municipal corporation.

SECTION 2358g. 125.33 (9) of the statutes is created to read:

125.33 (9) CAMPUSES AND RETAILERS TO PURCHASE FROM WHOLESALERS. No campus or retail licensee or permittee may purchase or possess fermented malt beverages purchased from any person other than a wholesaler holding a license under this chapter for the sale of fermented malt beverages.

SECTION 2359. 125.51 (1) (c) 1 of the statutes is amended to read:

125.51 (1) (c) 1. Except as provided in subd. 2, the municipal governing body, or the duly authorized committee of a city council, shall meet not later than May 15 of each year annually, and be in session from day to day thereafter so long as may be necessary, for the purpose of acting upon license applications filed with it on or before April 15. The governing body or committee shall grant, issue or deny each application not later than June 15 for the ensuing license year. Licenses may be granted for issuance at a later date when the applicant has complied with all requirements for the issuance of the license. The governing body or committee may accept and act upon any application filed at any other time. ~~As soon as a license is granted, a copy of the application for the license shall be forwarded to the department.~~ The governing body or committee may not deny an application for renewal of an existing license unless a statement of the reason for the denial is included in its clerk's minutes.

SECTION 2359b. 125.51 (4) (s) of the statutes is created to read:

125.51 (4) (s) Notwithstanding the quota of a municipality, its governing body may issue a license to a restaurant and public golf course situated on at least 200 acres of land, if the restaurant and public golf course are located adjacent to STH 57.

SECTION 2359c. 125.51 (4) (sm) of the statutes is created to read:

125.51 (4) (sm) Notwithstanding the quota of a town, the town board may issue a license to a person who owns a building located at the intersection of STH 11 and STH 80 in Grant county, if the person had a license under sub. (3) issued to him or her previously.

SECTION 2359f. 125.51 (4) (t) of the statutes is created to read:

125.51 (4) (t) Notwithstanding the quota of a municipality, its governing body may issue a license to a restaurant that was established in 1949 and is located on STH 42 across from a town park.

SECTION 2359g. 125.69 (2) of the statutes is repealed.

SECTION 2359m. 125.69 (7) of the statutes is amended to read:

125.69 (7) LICENSE OR PERMIT REVOCATION. The violation of sub. (1), ~~(2)~~, (3) or (5) is sufficient cause for the revocation of the license or permit of any licensee or permittee receiving the benefit from the prohibited act as well as the revocation of the license or permit of the licensee or permittee committing the prohibited act.

SECTION 2360. 132.17 of the statutes is amended to read:

132.17 Certain badges; penalty for unauthorized wearing. Any person who shall wilfully wear the insignia, rosette, or badge or any imitation thereof, of the military order of the Loyal Legion of the United States, the Grand Army of the Republic, the United Spanish War Veterans, Veterans of Foreign Wars of the United States, the Military Order of Foreign Wars, the American Legion, the Disabled American Veterans, the Thirty-second Division Veteran Association, the American Veterans of World War II (AMVETS), or of the Benevolent and Protective Order of the Elks of the United States, Knights of Columbus, Odd Fellows, Free Masons, Knights of Pythias, or of any other society, order or organization, operating under the lodge system, of 10 years' standing in this state, or of any duly incorporated fraternal, social, or service organization, or of the division of emergency government in the department of ~~administration~~ military affairs or shall wilfully use the same to obtain aid or assistance thereby within this state, or shall wilfully use the name of such society, order or organization, the titles of its officers, or its insignia, unless entitled to use or wear the same under the constitution, bylaws, rules and regulations thereof, shall be imprisoned not more than 30 days or fined not exceeding \$20, or both.

SECTION 2361. 134.66 (1) (c) 3 of the statutes is amended to read:

134.66 (1) (c) 3. An identification card issued under s. 125.08, 1987 stats.

SECTION 2361db. 134.85 (title) of the statutes is amended to read:

134.85 (title) Motor fuel dealerships.

SECTION 2361dd. 134.85 (3) (title) of the statutes is amended to read:

134.85 (3) (title) ENFORCEMENT OF SURVIVORSHIP RIGHTS.

SECTION 2361df. 134.85 (4) (a) of the statutes is amended to read:

134.85 (4) (a) No motor ~~vehicle~~ fuel grantor may require a motor ~~vehicle~~ fuel dealer, who has a dealership with the motor ~~vehicle~~ fuel grantor on May 17, 1988, to keep his or her business open for more than 16 hours per day.

SECTION 2361dh. 134.85 (5) of the statutes is created to read:

134.85 (5) MOTOR VEHICLES USED BY DISABLED; SERVICE. (a) In this subsection:

1. "Motor vehicle" has the meaning given in s. 340.01 (35).

2. "Pump" means a device used to dispense motor fuel for sale at retail.

(b) A motor fuel dealer shall have an employee dispense motor fuel into a motor vehicle from a full-service pump at the same price as the motor fuel dealer charges the general public for the same grade of motor fuel dispensed from a self-service pump, if all of the following apply:

1. The motor vehicle displays special registration plates issued under s. 341.14 (1), (1a), (1m), (1q) or (1r) (a) or a special identification card issued under s. 343.51 or is a motor vehicle registered in another jurisdiction and displays a registration plate, card or emblem issued by the other jurisdiction that designates that the vehicle is used by a physically disabled person.

2. The driver of the motor vehicle asks for the same price as charged for motor fuel dispensed from a self-service pump.

3. The motor fuel dealer sells motor fuel at retail from both full-service and self-service pumps.

(c) An employee of a motor fuel dealer who dispenses motor fuel under par. (b) need not provide any other services that are not provided to a customer who uses a self-service pump.

(d) A motor fuel dealer that violates par. (b) may be required to forfeit not more than \$100 for each violation.

SECTION 2361f. 138.052 (5m) (b) 3. a of the statutes is amended to read:

138.052 (5m) (b) 3. a. By December ~~18~~ 20, send to the borrower a check in the amount of the funds held in escrow for the payment of property taxes, made

payable to the borrower and the town, city or village treasurer authorized to collect the tax.

SECTION 2361g. 138.052 (5m) (e) of the statutes is amended to read:

138.052 (5m) (e) Paragraphs (b) to (d) do not apply to an escrow required in connection with a loan to assure the payment of property taxes, whether the loan is originated before, on or after May 3, 1988, if it is the practice of the escrow agent to, by December ~~18~~ 20, pay to the borrower the amount held in escrow for the payment of property taxes or to send the borrower a check in the amount of the funds held in escrow for the payment of property taxes, made payable to the borrower and the treasurer authorized to collect the tax. If the escrow agent in any year chooses not to make the payment by December ~~18~~ 20 for any reason other than because the borrower is not current in his or her loan payments, the escrow agent shall send, by November 15 of that year, written notice to the borrower clearly stating that the borrower may require the escrow agent to make payments in any manner specified in par. (b) 3 from the amount escrowed to pay property taxes and the responsibilities of the borrower and escrow agent as provided in par. (b) 4 and 5.

SECTION 2361m. 138.09 (7) (bn) 2m of the statutes is repealed.

SECTION 2361n. 138.09 (7) (bn) 3 of the statutes is amended to read:

138.09 (7) (bn) 3. a. For purposes of subds. 1. b, and 2. b and 2m. b, the interest rate applicable to 2-year U.S. treasury notes for any calendar year quarter is the average annual interest rate determined by the last auction of the notes in the preceding calendar year quarter, increased to the next multiple of 0.5% if the average annual interest rate includes a fractional amount.

b. For purposes of subds. 1. c, and 2. c and 2m. c, the interest rate applicable to 6-month U.S. treasury bills for any month is the average annual discount interest rate determined by the last auction of the bills in the preceding month, increased to the next multiple of 0.5% if the average annual discount interest rate includes a fractional amount.

SECTION 2361p. 138.09 (7) (bn) 4 of the statutes is amended to read:

138.09 (7) (bn) 4. Information regarding the amount of the maximum finance charge under subds. ~~1 to 2m and 2~~ 1 to 2m and 2 for any month or calendar year quarter shall be available at the office of the commissioner.

SECTION 2361q. 138.09 (7) (bp) of the statutes is amended to read:

138.09 (7) (bp) A loan, whether precomputed or based upon the actuarial method, made after October 31, 1984 ~~and before November 1, 1990~~, is not subject to any maximum interest rate limit. ~~A loan, whether precomputed or based upon the actuarial method, made on or after November 1, 1990, is not subject to~~

any maximum interest rate limit if the amount of the loan is \$5,000 or more.

SECTION 2362. 139.08 (3) of the statutes is amended to read:

139.08 (3) POLICE POWERS. The department of revenue shall enforce and the duly authorized employees of the department shall have all necessary police powers to prevent violations of ss. s. 134.65 and 139.01 to 139.44, this subchapter and ch. 125.

SECTION 2363. 139.32 (6) of the statutes is amended to read:

139.32 (6) Manufacturers and distributors having a permit from the secretary may purchase stamps on credit upon filing. The secretary may require manufacturers and distributors who purchase stamps on credit to file a payment guarantee bond in the amount and under the conditions prescribed by the secretary by rule. The secretary, upon finding that to do so would not jeopardize state revenues, may allow manufacturers and distributors to cancel payment guarantee bonds.

SECTION 2364. 139.32 (6) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

139.32 (6) Manufacturers and distributors having a permit from the secretary may purchase stamps on credit. The secretary may require manufacturers and distributors who purchase stamps on credit to file a payment guarantee bond, or other form of security acceptable to the secretary, in the amount and under the conditions prescribed by the secretary by rule. The secretary, upon finding that to do so would not jeopardize state revenues, may allow manufacturers and distributors to cancel payment guarantee bonds.

SECTION 2365. 139.39 (1m) of the statutes is created to read:

139.39 (1m) The duly authorized employees of the department have all necessary police powers to prevent violations of this subchapter.

SECTION 2366. 139.44 (1m) of the statutes is created to read:

139.44 (1m) Any person who falsely or fraudulently tampers with a cigarette meter in order to evade the tax under s. 139.31 shall be imprisoned for not less than one year nor more than 10 years.

SECTION 2367. 139.832 of the statutes is created to read:

139.832 Police powers. The duly authorized employees of the department have all necessary police powers to prevent violations of this subchapter.

SECTION 2369m. 140.05 (16) (f) of the statutes is amended to read:

140.05 (16) (f) The department shall provide the vaccines without charge, if federal or state funds are available for the vaccines, upon request of the governing body of a county, city, village or town or of the school board. The department shall provide the nec-

essary professional consultant services to carry out an immunization program in the requesting county, municipality or school district. Persons immunized may not be charged for vaccines furnished by the department. The department shall not use state and federal funds available for vaccines to fund maternal and child health administrative positions in the department.

SECTION 2369t. 140.05 (17) (a) of the statutes is amended to read:

140.05 (17) (a) The department or a village, city or county granted agent status under s. 50.535 (2) shall issue permits to and regulate campgrounds and camping resorts, recreational and educational camps, mobile home parks and public swimming pools. No person, state or local government who has not been issued a permit under this subsection 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.

SECTION 2369s. 140.05 (17) (f) of the statutes is created to read:

140.05 (17) (f) Notwithstanding par. (a), a fairgrounds may conduct, maintain, manage or operate, without a permit or regulation, a campground that is located on the fairgrounds if the fairgrounds is all of the following:

1. Located in a county with a population of less than 35,000.
2. Owned by an agricultural society that receives state aid under s. 93.23.
3. Incidentally used to supply accommodations for overnight use by camping trailers, motor homes, pickup coaches, tent trailers or travel trailers.
4. Open to the public for temporary camping purposes on not more than 60 days each year.

SECTION 2372m. 140.051 of the statutes is created to read:

140.051 Public swimming pool plan review. (1) In this section, "public swimming pool" means a fixed or mobile structure, basin, chamber or tank and appurtenant buildings and equipment that serve or are installed for use by the state, a political subdivision of the state, a motel, a hotel, a resort, a camp, a club, an association, a housing development, a school, a religious, charitable or youth organization, an educative or rehabilitative facility or another entity. "Public swimming pool" does not mean a fixed or mobile structure, basin, chamber or tank that only serves fewer than 3 individual residences.

(2) The department shall, in advance of construction, alteration or reconstruction, review and approve plans and specifications for the construction, alteration or reconstruction of public swimming pools or water recreation attractions or the alteration of public swimming pool equipment in this state.

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

(3) (a) The department shall require payment of all of the following fees, as applicable, for the review of plans and specifications for the construction, alteration or reconstruction specified in sub. (2):

1. For initial construction of a swimming pool, gutter type, \$300.
2. For initial construction of a public swimming pool with a skimmer system, \$225.
3. For initial construction of a water recreation attraction, \$300.
4. For alteration or reconstruction of a public swimming pool or water recreation attraction, \$100.

(b) If a construction, alteration or reconstruction plan that is submitted for review includes plans and specifications for more than one public swimming pool or more than one water recreation attraction, the department shall require payment of a fee for review of the proposed construction, alteration or reconstruction of the additional public swimming pool or water recreation attraction that shall be not more than 50% of the applicable fee specified in par. (a) 1 to 4.

(4) No one may maintain, manage or operate a public swimming pool or water recreation attraction for which construction, alteration or reconstruction is made after January 1, 1990, unless all of the following have taken place:

(a) The department has reviewed and approved the construction, alteration or reconstruction under sub. (2).

(b) The applicable fee under sub. (3) has been paid.

(c) The construction, alteration or reconstruction of the public swimming pool or water recreation attraction conforms to the plans and specifications approved by the department under sub. (2).

(5) The department shall promulgate rules defining "water recreation attraction" and otherwise implementing this section.

(6) Whoever violates this section or the rules promulgated under this section may be fined not less than \$100 nor more than \$5,000. Each day of continued violation constitutes a separate offense.

SECTION 2372p. 140.53 (1) (h) (intro.) of the statutes is amended to read:

140.53 (1) (h) (intro.) With respect to radon and with the department serving as the lead agency, do all of the following:

SECTION 2372q. 140.53 (2) (intro.) of the statutes is amended to read:

140.53 (2) (intro.) The department, serving as the lead agency, and the department of industry, labor and human relations may:

SECTION 2372r. 140.53 (4) of the statutes is amended to read:

140.53 (4) ~~From~~ The department shall develop standards of performance for the regional radon centers in Marathon and Waukesha counties and, from the appropriation under s. 20.435 (1) (ed), the department shall allocate funds based on compliance with

the standards to provide radon protection information dissemination from the regional radon centers ~~in Marathon and Waukesha counties~~.

SECTION 2373. 141.01 (1r) (d) of the statutes is repealed.

SECTION 2374. 141.01 (9m) of the statutes is amended to read:

141.01 (9m) If a county has a population of 100,000 or more and the county board of that county has by July 1, 1985, abolished a county health commission or committee, every town board of a town in that county may organize as a board of health or appoint wholly or partially from its own members, a suitable number of competent persons as a board of health for the town. The board of health shall elect a chairman, a clerk and a health officer who shall be a member of the board with voting power and its executive officer and take the oath of office. Except as provided in sub. (6) (d), the town board of health has the powers and duties authorized for the county health commission or committee in this section. Notwithstanding s. 141.015 (13), the person elected as health officer shall be a person licensed as a physician under ch. 448 or a person certified as a registered nurse under ch. 441. ~~This subsection does not apply after July 31, 1989.~~

SECTION 2375. 141.015 (13m) of the statutes is amended to read:

141.015 (13m) Notwithstanding sub. (13), for a village or city in a county that has a population of 100,000 or more and whose county board has by July 1, 1985, abolished a county health commission or committee, the health officer shall be a person licensed as a physician under ch. 448 or a person certified as a registered nurse under ch. 441. ~~This subsection does not apply after July 31, 1989.~~

SECTION 2376. 141.02 (2m) of the statutes is amended to read:

141.02 (2m) Notwithstanding sub. (2), for a city in a county that has a population of 100,000 or more and whose county board has by July 1, 1985, abolished a county health commission or committee, the health officer appointed under sub. (2) shall be a person licensed as a physician under ch. 448 or a person certified as a registered nurse under ch. 441. ~~This subsection does not apply after July 31, 1989.~~

SECTION 2376m. 141.15 (2) (b) of the statutes is amended to read:

141.15 (2) (b) The department shall, by rule, set a license fee to be paid by home health agencies. The fee for license renewal shall be based on the annual net income, as determined by the department, of a home health agency.

SECTION 2376q. 141.15 (4) of the statutes is amended to read:

141.15 (4) LICENSING, INSPECTION AND REGULATION. The department may register, license, inspect and regulate home health agencies as provided in this section. The department shall ensure, in its inspections of home health agencies, that a sampling of records from

private pay patients are reviewed. The department shall select the patients who shall receive home visits as a part of the inspection. Results of the inspections shall be made available to the public at each of the regional offices of the department.

SECTION 2377. 143.01 (1) of the statutes is repealed.

SECTION 2378. 143.01 (1m) of the statutes is amended to read:

143.01 (1m) ~~Before August 1, 1989, "local~~ "Local health officer" means a health officer designated under s. 140.09, 141.01 (9), 141.015, 141.02 or 141.04 or a qualified public health professional designated under s. 141.01 (1m), (3) (a) or (10), except that in a county identified under s. 141.01 (1r) (a) the "local health officer" means only the person designated by the county under s. 141.01 (1r) (a).

SECTION 2378c. 144.025 (2) (L) of the statutes is amended to read:

144.025 (2) (L) The department shall promulgate rules establishing an examining program for the certification of operators of waterworks and wastewater treatment plant operators plants and septage servicing vehicles operated under a license issued under s. 146.20 (3), setting such standards as the department finds necessary to accomplish the purposes of this chapter, including requirements for continuing education. The department may charge applicants a fee for certification. All moneys collected under this paragraph for the certification of operators of waterworks and wastewater treatment plant operators plants and septage servicing vehicles shall be credited to the appropriation under s. 20.370 (2) (bL). No person may operate a waterworks ~~or~~ wastewater treatment plant or septage servicing vehicle without a valid certificate issued under this paragraph. The department may suspend or revoke a certificate issued under this paragraph for a violation of any statute or rule relating to the operation of a waterworks or wastewater treatment plant or to septage servicing, for failure to fulfill the continuing education requirements or as provided under s. 144.245 (3). The owner of any wastewater treatment plant shall be, or shall employ, an operator certified under this paragraph who shall be responsible for plant operations, unless the department by rule provides otherwise. In this paragraph, "wastewater treatment plant" means a system or plant used to treat industrial wastewater, domestic wastewater or any combination of industrial wastewater and domestic wastewater.

SECTION 2378da. 144.026 (3) (d) of the statutes is repealed and recreated to read:

144.026 (3) (d) The department shall annually collect a water withdrawal fee from each person who makes a withdrawal that averages more than 100,000 gallons per day in any 30-day period as follows:

1. From a person making a withdrawal averaging more than 100,000 gallons per day but less than 5,000,000 gallons per day in any 30-day period, \$45.

2. From a person making a withdrawal averaging at least 5,000,000 gallons per day but less than 50,000,000 gallons per day in any 30-day period, \$125.

3. From a person making a withdrawal averaging at least 50,000,000 gallons per day but less than 500,000,000 gallons per day in any 30-day period, \$300.

4. From a person making a withdrawal averaging 500,000,000 gallons per day or more in any 30-day period, \$600.

SECTION 2378db. 144.026 (3) (e) of the statutes is created to read:

144.026 (3) (e) All moneys collected under par. (d) on or after the effective date of this paragraph [revisor inserts date], shall be credited to the appropriation under s. 20.370 (2) (ag).

SECTION 2378dc. 144.026 (10) (a) 5 of the statutes is amended to read:

144.026 (10) (a) 5. A graduated schedule for the fees required under subs. ~~(3) (d), (5) (f) and (6) (g)~~ and a schedule for collecting the fees under ~~subs. (3) (d) and sub. (6) (g)~~ periodically.

SECTION 2378dd. 144.027 (1) (intro.) of the statutes is amended to read:

144.027 (1) DEFINITIONS. (intro.) In this section ~~and in s. 144.028:~~

SECTION 2378de. 144.027 (4m) of the statutes is created to read:

144.027 (4m) INCOME LIMITATION. (a) In order to be eligible for an award under this section, the annual family income of the landowner or lessee of property on which is located a contaminated water supply may not exceed \$32,000 or 125% of the county median income for the county in which the residence is located, whichever is greater.

(b) Except as provided under par. (d), annual family income shall be based upon the adjusted gross income of the landowner or lessee and the landowner's or lessee's spouse, if any, as computed for Wisconsin income tax purposes for the taxable year prior to the year in which the claim is made. The county median income shall be determined based upon the most recent statistics published by the federal department of housing and urban development for the year prior to the year of the enforcement order.

(c) In order to be eligible for an award under this section, the claimant shall submit a copy of the designated income tax returns for the taxable year prior to the year in which the claim is made together with the application under sub. (5). The claimant shall submit a copy of the landowner's or lessee's joint Wisconsin income tax return or, if filing separately, the landowner's or lessee's separate Wisconsin income tax return and the separate Wisconsin income tax return of his or her spouse, if any.

(d) The department may disregard the Wisconsin income tax return for the taxable year prior to the year in which the claim is made and may determine annual family income based upon satisfactory evidence of adjusted gross income or projected taxable income of the landowner or lessee and the landowner's or lessee's spouse in the current year.

SECTION 2378df. 144.027 (5) (f) of the statutes is amended to read:

144.027 (5) (f) The department shall allocate money for the payment of claims according to the order in which completed claims are received. The department may conditionally approve a completed claim even if the ~~appropriations~~ appropriation under s. 20.370 (2) ~~(eb) and (eg)~~ are (4) (cv) is insufficient to pay the claim. The department shall allocate money for the payment of a claim which is conditionally approved as soon as funds become available.

SECTION 2378dg. 144.027 (5) (g) of the statutes is repealed.

SECTION 2378dh. 144.027 (7) (intro.) of the statutes is amended to read:

144.027 (7) PURPOSE AND AMOUNT OF AWARD. (intro.) If the department finds that the claimant meets all the requirements of this section and rules promulgated under this section and that the private water supply is contaminated, the department shall issue an award. The award may not pay more than ~~80%~~ 60% of the eligible costs. The award may not pay any portion of eligible costs in excess of \$12,000. Eligible costs include the following items only:

SECTION 2378di. 144.027 (16) (d) of the statutes is amended to read:

144.027 (16) (d) The state is subrogated to the rights of a claimant who obtains an award under this section in an amount equal to the award. All moneys recovered under this paragraph shall be credited to the ~~appropriation under s. 20.370 (2) (eg)~~ environmental fund for environmental repair.

SECTION 2378dj. 144.028 of the statutes is repealed.

SECTION 2378dji. 144.08 (1) (b) of the statutes is amended to read:

144.08 (1) (b) "Licensed disposer" means a person holding engaged in servicing, as defined in s. 146.20 (1) (f), under a license issued under s. 146.20 (3) (a).

SECTION 2378dj. 144.08 (9) of the statutes is amended to read:

144.08 (9) LAND DISPOSAL NOT PROHIBITED. This section shall not be construed as a prohibition of the land disposal of septage. The land disposal of septage is governed by s. 146.20.

SECTION 2378dk. 144.21 (6) (a) of the statutes is amended to read:

144.21 (6) (a) The department may enter into agreements with municipalities and school districts to make payments to them from the appropriation made by s. 20.370 (4) ~~(eb)~~ (ca) to pay not less than 25% and not

more than 30% of the estimated reasonable costs of the approved project. These payments shall be in even annual amounts and shall extend for a period of not less than 5 years and not more than 30 years. The department shall not enter into such additional agreements after July 1, 1969, but shall continue to make payments on existing agreements until the terms of the agreement are fully satisfied.

SECTION 2378dL. 144.24 (7) (c) 1 of the statutes is amended to read:

144.24 (7) (c) 1. Metropolitan sewerage districts that serve 1st class cities are limited in each fiscal year to receiving total grant awards not to exceed 33% of the sum of the amounts in the schedule for that fiscal year for the ~~appropriations~~ appropriation under s. 20.370 (4) ~~(eb) and (cf)~~ and the amount authorized under sub. (10) for that fiscal year plus the unencumbered ~~balances~~ balance at the end of the preceding fiscal year for the ~~appropriation under s. 20.370 (4) (eb)~~ and the amount authorized under sub. (10). This subdivision is not applicable to grant awards provided during fiscal years 1985-86, 1986-87, 1988-89 and 1989-90.

SECTION 2378dm. 144.241 (4) (a) of the statutes is amended to read:

144.241 (4) (a) By ~~August~~ September 1 of each year, the department shall develop an annual finance plan. The department shall submit the annual finance plan to the building commission under s. 13.48 (26), to the joint committee on finance and to the chief clerk of each house of the legislature, for distribution under s. 13.172 (3) to the appropriate legislative standing committees generally responsible for legislation related to environmental issues. Within 30 days after receipt of the proposal, ~~the joint committee on finance and each standing committee may submit to the building commission and the joint committee on finance its recommendations and comments regarding whether the annual finance plan should be approved or disapproved. If the building commission or the joint committee on finance disapproves an annual finance plan, the department shall submit a different annual finance plan to the building commission and the joint committee on finance.~~ **Vetoed in Part**

SECTION 2378dn. 144.241 (7) (b) 3 of the statutes is repealed.

SECTION 2378do. 144.241 (7) (b) 6 of the statutes is amended to read:

144.241 (7) (b) 6. Projects for ~~the planning, design, construction or replacement of~~ corrective action to a treatment works ~~work~~ that ~~violates~~ violates effluent limitations contained in a permit issued under ch. 147.

SECTION 2378dp. 144.241 (8) (a) 1 of the statutes is amended to read:

144.241 (8) (a) 1. A person or municipality that has failed to substantially comply, as specified by the rules promulgated under sub. (2), with the terms of a federal or state grant or loan used to pay the costs of studies, investigations, plans, designs or construction

associated with wastewater collection, transportation, treatment or disposal or used to pay the cost of studies, investigations, plans, designs or construction associated with implementing a nonpoint source control management program.

SECTION 2378dq. 144.241 (8) (a) 3 of the statutes is created to read:

144.241 (8) (a) 3. Public sanitary sewer mains, interceptors and individual systems which exclusively serve future development.

SECTION 2378dr. 144.241 (8) (a) 4 of the statutes is created to read:

144.241 (8) (a) 4. A planning, design or construction project which received financial assistance under 33 USC 1251 to 1376 or s. 144.24, except for any of the following:

a. The nonlocal share of a project which receives funding under sub. (20).

b. The portion of a project funded under sub. (20) relating to a collection system, even if the costs relating to the collection system were not eligible under s. 144.24.

SECTION 2378ds. 144.241 (8) (a) 5 of the statutes is created to read:

144.241 (8) (a) 5. During fiscal years 1989-90 and 1990-91, a person or municipality in violation of an effluent limitation contained in a permit issued under ch. 147, unless that person or municipality is eligible under sub. (20).

SECTION 2378dt. 144.241 (8) (b) of the statutes is renumbered 144.241 (8) (b) 1 and amended to read:

144.241 (8) (b) 1. The Except as provided in subd. 2, the amount of reserve capacity for a project eligible for loans with interest rates below the market rate, financial hardship assistance or financial assistance of a method specified under sub. (6) (b) 1, 2 or 3, other than a loan at the market interest rate or other than a purchase or refinancing of a debt obligation at fair market value and at the market interest rate or other than a guarantee of or a purchase of insurance for a municipal obligation which will permit the municipality credit market access not otherwise available or will reduce the interest rate on the obligation to not less than the market interest rate, is limited to that future capacity required to serve the users of the project expected to exist within the service area of the project 10 years after the project is estimated to become operational. The department, in consultation with the demographic services center in the department of administration under s. 16.96, shall promulgate rules defining procedures for projecting population used in determining the amount of reserve capacity.

SECTION 2378du. 144.241 (8) (b) 2 of the statutes is created to read:

144.241 (8) (b) 2. The department may not approve financial assistance of a method specified under sub. (6) (b), other than a loan at the market interest rate or other than a purchase or refinancing of a debt obliga-

tion at fair market value and at the market interest rate or other than a guarantee of or a purchase of insurance for a municipal obligation which will permit the municipality credit market access not otherwise available or will reduce the interest rate on the obligation to not less than the market interest rate, for reserve capacity for a collection system, interceptors or an individual system project in an unsewered municipality.

SECTION 2378dv. 144.241 (8) (c) of the statutes is amended to read:

144.241 (8) (c) Financial assistance, other than a loan at the market interest rate or other than a purchase or refinancing of a debt obligation at fair market value and at the market interest rate or other than a guarantee of or a purchase of insurance for a municipal obligation which will permit the municipality credit market access not otherwise available or will reduce the interest rate on the obligation to not less than the market interest rate, may be provided for the design, planning and construction of a treatment-work collection system, interceptor or individual system project in an unsewered municipality or an unsewered area of a municipality, only if the department finds that at least two-thirds of the expected initial flow will be for wastewater originating from residences in existence on October 17, 1972.

SECTION 2378dw. 144.241 (8) (f) of the statutes is amended to read:

144.241 (8) (f) ~~Loans with interest rates below the market interest rate, financial hardship assistance or a method of~~ The department may not approve financial assistance of a method specified under sub. (6) (b) 1, 2 or 3 may not be provided, other than a loan at the market interest rate or other than a purchase or refinancing of a debt obligation at fair market value and at the market interest rate or other than a guarantee of or a purchase of insurance for a municipal obligation which will permit the municipality credit market access not otherwise available or will reduce the interest rate on the obligation to not less than the market interest rate, for the portion of a project for the treatment of that treats wastes from industrial wastes users.

SECTION 2378dx. 144.241 (8) (i) of the statutes is created to read:

144.241 (8) (i) After June 30, 1991, the department may not approve financial assistance under this section to a municipality for projects in an amount that exceeds 40% of the amount in the annual finance plan under sub. (4) (b) 2 for that fiscal year.

SECTION 2378dy. 144.241 (8) (j) of the statutes is created to read:

144.241 (8) (j) During the period beginning on July 1, 1989, and ending on June 30, 1991, the department may not approve a total of more than \$154,400,000 for financial assistance under this section to a metropolitan sewerage district that serves a 1st class city.

Notwithstanding par. (a) 4, no more than \$51,000,000 of the amount specified in this paragraph may be awarded for the nonlocal share of projects that received financial assistance under s. 144.242.

~~SECTION 2378dz. 144.241 (9) (d) of the statutes is amended to read:~~

Vetoed
in Part

~~144.241 (9) (d) The Except as provided under par. (e), the department may charge and collect service fees, established by rule, which shall cover the estimated costs of reviewing and acting upon the application and servicing the financial assistance agreement.~~

~~SECTION 2378ea. 144.241 (9) (e) of the statutes is created to read:~~

~~144.241 (9) (e) The department shall charge and collect a fee equal to 1% of the total principal of the loan at the execution of the financial assistance agreement for a loan and a fee equal to 0.2% of the outstanding principal of the loan per year beginning one year after the execution of the financial assistance agreement for a loan.~~

~~SECTION 2378eb. 144.241 (9) (f) of the statutes is created to read:~~

Vetoed
in Part 144.241 (9) (f) The fees collected under pars. (d) and (e) shall be credited to the clean water fund.

~~SECTION 2378ec. 144.241 (10) (f) of the statutes is amended to read:~~

Vetoed
in Part

~~144.241 (10) (f) Before July 1, 1991, the The department may not approve applications for treatment work projects specified under sub. (7) (b) 4, including projects eligible under sub. (20) (a) but not sub. (20)~~

Vetoed
in Part

~~(b), for which financial assistance would total, for all of those treatment work projects, more than 50% 9% of the total capital dollar amount established under s. 13.48 (26) for that fiscal year, unless all other applications on the funding list, including projects eligible under sub. (20), are approved first. Before July 1, 1991, the department may not approve applications for projects not specified under sub. (7) (b) 4, including projects eligible under sub. (20), for which financial assistance would total, for all of those projects, more than 95% of the total capital dollar amount established under s. 13.48 (26) for that fiscal year, unless all applications under sub. (7) (b) 4, including projects eligible under sub. (20), on the funding list are approved first.~~

~~SECTION 2378ef. 144.241 (10) (g) of the statutes is repealed.~~

Vetoed
in Part

~~SECTION 2378eg. 144.241 (11) (b) of the statutes is amended to read:~~

~~144.241 (11) (b) For municipalities meeting the financial hardship assistance requirements under sub. (13), the department may approve financial hardship assistance and shall specify the method by which it will provide financial. Financial hardship assistance, including but not limited to a combination of loans at or below the market rate and shall be in the form of grants, deferred payment loans, state payment of the loan for a number of years, or longer amortization periods only.~~

SECTION 2378eh. 144.241 (12) (a) of the statutes is renumbered 144.241 (12).

SECTION 2378ei. 144.241 (12) (b) of the statutes is renumbered 144.241 (8) (h) and amended to read:

144.241 (8) (h) A municipality that is a violator of an effluent limitation at the time that the loan notice of commitment for financial assistance is made may not receive a loan with interest below financial assistance of a method specified under sub. (6) (b) 1, 2, 3, 4 or 5, other than a loan at the market interest rate or other than a purchase or refinancing of a debt obligation at fair market value and at the market interest rate or other than a guarantee of or a purchase of insurance for a municipal obligation which will permit the municipality credit market access not otherwise available or will reduce the interest rate on the obligation to not less than the market interest rate, for that part of a treatment work project that is needed to correct the violation.

SECTION 2378ej. 144.241 (12) (c) of the statutes is repealed.

~~SECTION 2378ek. 144.241 (13) (a) of the statutes is renumbered 144.241 (13) (a) (intro.) and amended to read:~~

Vetoed
in Part

~~144.241 (13) (a) (intro.) The department shall rank each municipality applying for financial assistance under this section based on its ability to pay for the construction and operation costs of its project. The department shall establish, by rule, the economic, socioeconomic, and other factors procedure that it uses to rank the municipalities, which shall use all of the following to measure ability to pay:~~

~~SECTION 2378el. 144.241 (13) (a) 1 and 2 of the statutes are created to read:~~

~~144.241 (13) (a) 1. Total charges imposed on residential users in the municipality that relate to wastewater treatment as a percentage of the total adjusted gross income of residents of the municipality.~~

~~2. Total charges imposed by the municipality that relate to wastewater treatment as a percentage of the total equalized value of property in the municipality.~~

~~SECTION 2378em. 144.241 (13) (am) of the statutes is created to read:~~

~~144.241 (13) (am) A municipality qualifies for financial hardship assistance if the percentage under par. (a) 1 exceeds 1.5 and if the percentage under par. (a) 2 places the municipality in the 25% of municipalities with the highest percentage under par. (a) 2.~~

~~SECTION 2378en. 144.241 (13) (b) of the statutes is repealed and recreated to read:~~

~~144.241 (13) (b) The department shall allocate available financial hardship assistance to municipalities that qualify for financial hardship assistance under par. (am) for projects on the funding list under sub. (10) (c), in the order that the municipalities rank under par. (a). If 2 or more municipalities have the same rank under par. (a), the department shall allocate available financial assistance to those municipali-~~

Vetoed in Part ~~ties in the order that the projects appear on the funding list under sub. (10) (a).~~

SECTION 2378eo. 144.241 (14) (a) of the statutes is amended to read:

144.241 (14) (a) A loan approved under this section shall be for no longer than 20 years, as determined by the department, be fully amortized not later than 20 years after the completion of the project that it funds ~~except as provided under subs. (11) (b) and (13), as determined by the department, and require the repayment of principal and interest to begin not later than 12 months after the date of completion of the project that it funds, as determined by the department.~~

SECTION 2378ep. 144.241 (18) of the statutes is repealed.

SECTION 2378eq. 144.241 (20) of the statutes is renumbered 144.241 (20) (a) and amended to read:

144.241 (20) (a) 1. Notwithstanding any other provision of this section, a municipality that submits to the department by January 2, 1989, a facility plan meeting the requirements of s. 144.24 which is approvable under this chapter and that does not receive a grant award before July 1, 1990, only because the municipality is following a schedule contained in the facility plan and approved by the department and the municipality is in compliance with all applicable schedules contained in a permit issued under ch. 147 or because there is are insufficient grant funds under s. 144.24, is eligible to receive financial assistance under this subsection paragraph. The form of the financial assistance is a loan with an interest rate of ~~3.5% per year except that sub. (8) (b) and (f) applies to projects receiving financial assistance under this paragraph.~~

Vetoed in Part

2. Notwithstanding any other provision of this section, the department shall make all loans under ~~par. (a) subd. 1~~ to municipalities ready to construct treatment works before the department provides or approves any other financial assistance under this section except for loans under par. (b).

SECTION 2378er. 144.241 (20) (b) of the statutes is created to read:

144.241 (20) (b) 1. Notwithstanding any other provision of this section, an unsewered municipality is eligible to receive financial assistance under this paragraph, in the form of a loan ~~with an interest rate of 3.5% per year, which may be for original financing or refinancing for a collection system that is ineligible for financial assistance under s. 144.24 because of s. 144.24 (4) (b) 1 and that is being connected to an existing wastewater treatment plant if all of the following apply:~~

Vetoed in Part

a. The municipality applies to the department for financial assistance under s. 144.24 (5) for a construction project during 1988.

b. Before January 1, 1989, the department issues a notice under s. 144.24 (6) that the department is ready to allocate funds to the municipality for the project.

c. The municipality invites bids for the project in 1989.

d. The municipality receives a grant under s. 144.24 for the construction of the project from the list developed by the department under s. 144.24 (6) (a) for applications received in 1988.

1m. Notwithstanding any other provision of this section, a town sanitary district is eligible to receive financial assistance under this paragraph, in the form of a loan ~~with an interest rate of 2.5% per year, for the extension of a collection system into an unsewered area that is added to the sanitary district if all of the following apply:~~ Vetoed in Part

a. The department has awarded a grant to the town sanitary district under s. 144.24 (4) (c) for a collection system.

b. The department determines that extension of the collection system into the unsewered area is necessary and cost-effective.

c. The sanitary district invites bids for and begins construction of the extension of the collection system before January 1, 1990.

2. Subsection (8) (b) and (f) applies to projects receiving financial assistance under this paragraph.

3. Notwithstanding any provision of this section, the department shall annually allocate funds for loans under subs. 1 and 1m before the department provides or approves any other financial assistance under this section.

SECTION 2378es. 144.241 (20) (c) of the statutes is created to read:

144.241 (20) (c) The department may not make any loan under this subsection before April 1, 1990.

SECTION 2378ese. 144.245 (3) of the statutes is amended to read:

144.245 (3) MAINTENANCE. The department shall establish a maintenance program to be administered by governmental units. The maintenance program is applicable to all new or replacement private sewage systems constructed in a governmental unit after the date on which the governmental unit adopts this program. 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 an employee of the state or governmental unit designated by the department. The department may suspend or revoke a license issued under s. 146.20 or a certificate issued under s. 144.025 (2) (L) to the operator of a septage servicing vehicle if the department finds that the licensee or operator falsified information on inspection forms. The department of industry, labor and human relations may suspend or revoke the license of a plumber licensed under ch. 145 if the department of industry, labor and human relations finds that the plumber falsified information on inspection forms.

Vetoed
in Part

~~SECTION 2378esf. 144.245 (5) (a) 2 of the statutes is amended to read:~~

~~144.245 (5) (a) 2. A business is eligible for grant funds under this section if it owns a small commercial establishment which is served by a category 1 or 2 failing private sewage system, if the small commercial establishment was constructed prior to July 1, 1978, if the income gross revenue of the business does not exceed the income limitations limitation under par. (d), if the small commercial establishment is not located in an area served by a sewer and if a written enforcement order was issued under s. 144.025 (2) (d), 145.02 (3) (f) or 145.20 (2) (f) or a written enforcement order was issued under s. 146.13 by a governmental unit.~~

SECTION 2378esg. 144.245 (5) (c) 1 of the statutes is amended to read:

144.245 (5) (c) 1. In order to be eligible for grant funds under this section, the annual family income of the person who owns the principal residence may not exceed \$32,000 \$45,000 or 125% of the county median income for the county in which the residence is located, whichever is greater.

Vetoed
in Part

~~SECTION 2378esc. 144.245 (5) (d) of the statutes is repealed and recreated to read:~~

~~144.245 (5) (d). In order to be eligible for grant funds under this section, the annual gross revenue of the business that owns the small commercial establishment may not exceed \$362,500.~~

SECTION 2378esk. 144.245 (7) (c) of the statutes is amended to read:

144.245 (7) (c) The state grant share under this section is limited to \$3,000 ~~\$7,000~~ for each principal residence or small commercial establishment to be served by the private sewage system or to the amount determined by the department based upon private sewage system grant funding tables, whichever is ~~less greater~~ but not more than 80% of the actual costs of rehabilitation or replacement. The department shall prepare and publish private sewage system grant funding tables which specify the maximum state share limitation for various components and costs involved in the rehabilitation or replacement of a private sewage system based upon minimum size and other requirements specified in the state plumbing code promulgated under s. 145.02. The maximum state share limitations shall be designed to pay approximately ~~60%~~ 80% of the average allowable cost based upon the level of state funding provided in grants under this section from July 1, 1979, to December 31, 1982.

Vetoed
in Part

~~SECTION 2378esk. 144.245 (9) (g) of the statutes is amended to read:~~

~~144.245 (9) (g). Establish a system which provides for the distribution of grant funds received among eligible applicants based on the amount requested in the application as approved by the department. If the amount received by a county is insufficient to fully fund all grants, the county shall prorate provide grant funds on the same basis as sub. (11m).~~

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

~~SECTION 2378eslm. 144.245 (11) (b) of the statutes is repealed.~~

~~SECTION 2378esmb. 144.245 (11) (c) (title) of the statutes is repealed.~~

~~SECTION 2378esmc. 144.245 (11) (c) of the statutes is renumbered 144.245 (11) and amended to read:~~

~~144.245 (11) Allocation of funds. The department shall, in fiscal years 1989-90 and 1990-91, allocate available funds for grants to each participating governmental unit according to the total amount of the state grant share for all eligible applications received by the percentage of total available funds equal to the percentage of all of the private sewage systems existing in this state on July 1, 1978, that were located in that governmental unit. After June 30, 1991, the department shall, in each fiscal year, allocate for grants to each participating governmental unit the percentage of total available funds equal to the percentage of all of the private sewage systems existing on July 1, 1978, and located in governmental units participating in the program in that fiscal year that were located in that governmental unit. For the purposes of this subsection, the department shall estimate the number of private sewage systems located in each governmental unit on July 1, 1978, based on the best available information.~~

~~SECTION 2378esmb. 144.245 (11m) (a) of the statutes is repealed.~~

~~SECTION 2378esmd. 144.245 (11m) (b) and (c) of the statutes are amended to read:~~

~~144.245 (11m) (b). If funds are sufficient to fully fund all category 1 but not all category 2 failing private sewage systems, the department participating governmental unit shall fully fund all category 1 systems and prorate the use the remaining funds for to fully fund category 2 systems on a proportional basis in the order in which the applications were received.~~

~~(c) If funds are not sufficient to fully fund all category 1 failing private sewage systems, the department participating governmental unit shall fully fund the as many category 1 systems on a proportional basis as possible, in the order in which the applications were received, and deny the grant applications for all category 2 systems.~~

SECTION 2378et. 144.25 (1) (d) of the statutes is amended to read:

144.25 (1) (d) Focus limited technical and financial resources in critical geographic locations through the selection of priority lakes identified under sub. (4) (cd) and priority watersheds where nonpoint source related water quality problems are the most severe and control is most feasible.

SECTION 2378eu. 144.25 (4) (cd) of the statutes is created to read:

144.25 (4) (cd) Identify, through the continuing planning process under s. 147.25, the lakes where the need for nonpoint source water pollution abatement is most critical and identify for those lakes the best management practices necessary to meet water quality

objectives. The department shall prepare project funding lists for projects affecting priority lakes subject to the approval of the department of agriculture, trade and consumer protection.

SECTION 2378ev. 144.25 (4) (g) (intro.), 2 and 6 of the statutes are amended to read:

144.25 (4) (g) (intro.) In cooperation with the department of agriculture, trade and consumer protection and the appropriate governmental unit, prepare priority watershed and priority lakes plans to implement nonpoint source water pollution abatement projects in priority watersheds and priority lakes. In preparing the plans, the department shall:

2. Promote significant participation from the department of agriculture, trade and consumer protection and other state agencies, governmental units and other persons located in any watershed or in any project affecting a priority lake which is the subject of the plan.

6. Determine the specific plan components to be prepared by any appropriate governmental units in the watershed or in the area of the project affecting the priority lake, after determining the technical, financial and staffing capability of that governmental unit.

SECTION 2378ew. 144.25 (5) (a) of the statutes is amended to read:

144.25 (5) (a) Approve or disapprove the project funding list of any priority watershed or priority lakes project about which it receives notice under sub. (4) (c).

SECTION 2378ex. 144.25 (5) (b) of the statutes is amended to read:

144.25 (5) (b) Prepare sections of the priority watershed or priority lake plan relating to farm-specific implementation schedules, requirements under ss. 92.104 and 92.105, animal waste management and selection of agriculturally related best management practices and submit those sections to the department for inclusion under sub. (4m) (b).

SECTION 2378ey. 144.25 (5) (e) of the statutes is amended to read:

144.25 (5) (e) Identify areas within a priority watershed or priority lake project which are subject to activities required under ss. 92.104 and 92.105.

SECTION 2378ez. 144.25 (5) (f) of the statutes is amended to read:

144.25 (5) (f) Provide implementation assistance as identified and approved in the priority watershed or priority lake plan under sub. (4) (g).

SECTION 2378fa. 144.25 (6) (intro.) of the statutes is amended to read:

144.25 (6) (intro.) The appropriate governmental unit is responsible for local administration and implementation of priority watershed and priority lakes projects and shall:

SECTION 2378fb. 144.25 (8) (cm) of the statutes is created to read:

144.25 (8) (cm) Grants may be provided from the appropriation under s. 20.370 (4) (cc) to applicants for projects affecting priority lakes identified under sub. (4) (cd) if the project is in conformance with areawide water quality management plans and the purposes specified under sub. (1).

SECTION 2378fc. 144.25 (9) of the statutes is amended to read:

144.25 (9) The department may distribute grants and aids to state agencies, including itself, for administration and implementation of the nonpoint source water pollution abatement program on land under state ownership or control for projects affecting priority lakes identified under sub. (4) (cd) or in priority watershed areas.

SECTION 2378fd. 144.253 of the statutes is created to read:

144.253 Lake management planning grants. (1) The department shall develop and administer a financial assistance program to provide lake management planning grants for projects to provide information on the quality of water in lakes, including mill ponds, in order to improve water quality assessment and planning and aid in the selection of activities to abate pollution of lakes.

(2) The department may provide a grant of 75% of the cost of a lake management planning project up to a total of \$10,000 per grant.

(3) The department shall promulgate rules for the administration of the lake management planning grant program which shall include all of the following:

(a) Eligible recipients, ~~which shall include~~ counties, cities, towns, villages, qualified lake associations, as defined in s. 30.92 (1) (br), and public inland lake protection and rehabilitation districts.

(b) Eligible activities, which shall include data collection, water quality assessment and nonpoint source pollution evaluation.

~~\\(c) Other criteria for eligibility for grants.\\~~

SECTION 2378fe. 144.265 (2) (b) of the statutes is amended to read:

144.265 (2) (b) If the department finds that a regulated activity caused a private water supply to become contaminated, polluted or unfit for consumption by humans, livestock or poultry, and if the regulated activity is an approved facility, as defined in s. 144.442 (1) (a), the department may conduct a hearing under s. 144.442 (6) (f). If the damage to the private water supply is caused by an occurrence not anticipated in the plan of operation which poses a substantial hazard to public health or welfare, the department may expend moneys in the environmental ~~repair~~ fund that are available for environmental repair to treat the water to render it drinkable, or to repair or replace the private water supply, and to reimburse the town, village or city for the cost of providing water under sub. (4). If the damage to the private water supply is not caused by an occurrence not anticipated in the plan of opera-

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tion, if the damage does not pose a substantial hazard to public health or welfare, or if ~~insufficient~~ moneys ~~are available~~ in the environmental repair fund ~~that may be used for environmental repair~~ are insufficient, the department may order the owner or operator of the regulated activity to treat the water to render it fit for consumption by humans, livestock and poultry, or to repair or replace the private water supply, and to reimburse the town, village or city for the cost of providing water under sub. (4).

SECTION 2379. 144.266 (2) of the statutes is amended to read:

144.266 (2) STATE CONSTRUCTION SITE EROSION CONTROL AND STORM WATER MANAGEMENT PLAN. The department shall promulgate by rule a state construction site erosion control and storm water management plan. This state plan is applicable to construction activities contracted for or conducted by any agency, as defined under s. 227.01 (1) but also including the office of district attorney, unless that agency enters into a memorandum of understanding with the department in which that agency agrees to regulate activities related to construction site erosion control and storm water management. The department shall coordinate the activities of agencies, as defined under s. 227.01 (1), in construction site erosion control and storm water management and make recommendations to these agencies concerning activities related to construction site erosion control and storm water management.

SECTION 2379aa. 144.30 (24) of the statutes is repealed and recreated to read:

144.30 (24) "Volatile organic compound" means an organic compound which participates in an atmospheric photochemical reaction, as determined by the department by rule.

~~SECTION 2379aa. 144.375 (5m) of the statutes is created to read:~~

Vetoed
in Part

~~144.375 (5m) LIMITATION ON IMPOSITION OF EMISSION STANDARDS. The department may not impose emission standards on coal-powered cat farms operating on Lake Michigan.~~

~~SECTION 2379aab. 144.44 (1) (a) of the statutes is renumbered 144.44 (1) (am).~~

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~~SECTION 2379ab. 144.44 (1) (a) of the statutes is created to read:~~

~~144.44 (1) (a) "Approved facility" has the meaning given in s. 144.441 (1) (a).~~

SECTION 2379ac. 144.44 (2) (nm) 3. a of the statutes is amended to read:

144.44 (2) (nm) 3. a. Approved facilities, as defined under s. 144.441 (2) (a) ~~1 (a)~~, including the potential for expansion of those facilities on contiguous property already owned or controlled by the applicant.

~~SECTION 2379ad. 144.44 (2) (nm) of the statutes is created to read:~~

Vetoed
in Part

~~144.44 (2) (nm) Adjacent facilities. 1. Except as provided in subd. 2, the department may not issue a~~

~~favorable determination of feasibility for a solid waste disposal facility if either of the following applies:~~

~~a. An approved facility which is a solid waste disposal facility is in operation and is located within 5 miles of the proposed facility.~~

~~b. An approved facility which is a closed solid waste disposal facility was in operation within the previous 5 years and the closed solid waste disposal facility is located within 5 miles of the proposed facility.~~

~~2. The prohibition in subd. 1 does not apply to any of the following:~~

~~a. An expansion of or addition to an existing approved facility that is a solid waste disposal facility by the owner or operator of the existing approved facility on property that is contiguous to the property on which the existing approved facility is located and that is owned or under option to lease or purchase by the owner or operator of the existing approved facility.~~

~~b. A proposed solid waste disposal facility owned or operated by a generator of high-volume industrial waste, as defined in sub. (7) (a) 1, that is designed and operated to accommodate high-volume industrial waste.~~

~~c. A proposed solid waste disposal facility if the existing operating solid waste disposal facility within a 5-mile radius of that proposed disposal facility is a high-volume industrial waste disposal facility owned or operated by the generator of wastes.~~

~~d. A proposed solid waste disposal facility in a county with a population greater than 750,000.~~

SECTION 2379ae. 144.44 (3) (b) of the statutes is amended to read:

144.44 (3) (b) *Preparation; contents.* The proposed plan of operation shall be prepared by a registered professional engineer and shall include at a minimum a description of the manner of solid waste disposal or hazardous waste treatment, storage or disposal and a statement setting forth the proposed development, daily operation, closing and long-term care of the facility. The proposed plan of operation shall specify whether the owner's responsibility for long-term care of the facility will terminate 30 years after closing as provided in s. 144.441 (2) (b) or 20 years after closing as provided in s. 144.441 (2) (c) the method by which the owner or operator will maintain proof of financial responsibility under s. 144.443. The department shall specify by rule the minimum contents of a plan of operation submitted for approval under this subsection and no plan is complete unless the information is supplied. The rules may specify special standards for plans of operation relating to hazardous waste facilities. Within 30 days after a plan of operation is submitted or, if the plan of operation is submitted with the feasibility report under par. (ag), within 30 days after the department issues notice that the feasibility report is complete, the department shall notify the applicant in writing if the plan is not complete, specifying the information which is required to be submit-

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ted before the report is complete. If no notice is given, the report is deemed complete on the date of its submission.

SECTION 2379af. 144.44 (4) (f) 5 of the statutes is amended to read:

144.44 (4) (f) 5. If the owner or operator of a site or facility subject to an order under subd. 3 is a municipality, the municipality is responsible for conducting any monitoring ordered under subd. 3. The annual municipal cost of monitoring may not exceed an amount equal to \$3 per person residing in the municipality for each site or facility subject to an order under subd. 3. The department shall exclude any monitoring costs paid under the municipality's liability insurance coverage in calculating the annual municipal cost of monitoring a site or facility. The remainder of the cost of any monitoring ordered under subd. 3 shall be paid from the environmental ~~repair~~ fund appropriation under s. 20.370 (2) (dv).

SECTION 2379ag. 144.44 (4r) of the statutes is created to read:

144.44 (4r) NONCOMPLIANCE WITH PLANS OR ORDERS. (a) In this subsection, "applicant" means any natural person, partnership, association or body politic or corporate that seeks to construct a solid waste disposal facility or hazardous waste facility under this section.

(b) The department may not issue a favorable determination of feasibility, approve a plan of operation or issue an operating license for a solid waste disposal facility or hazardous waste facility if the applicant or any person owning a 10% or greater legal or equitable interest in the applicant or the assets of the applicant either:

1. Is named in and subject to a plan approved, or an order issued, by the department regarding any solid waste facility or hazardous waste facility in this state and is not in compliance with the terms of the plan or order; or

2. Owns or previously owned a 10% or greater legal or equitable interest in a person or the assets of a person who is named in and subject to a plan approved, or an order issued, by the department regarding any solid waste facility or hazardous waste facility in this state and the person is not in compliance with the terms of the plan or order.

(c) Paragraph (b) does not apply if the person named in and subject to the plan or order provides the department with proof of financial responsibility ensuring the availability of funds to comply with the plan or order using a method under s. 144.443.

SECTION 2379ah. 144.44 (9) (c) 1 of the statutes is amended to read:

144.44 (9) (c) 1. Submitting a plan of operation which complies with requirements for preparation and contents specified under sub. (3) (b) including any special requirements for PCB waste storage or treatment facilities except the department may waive any

requirement for ~~the specification of proof of financial responsibility for long-term care responsibility.~~

SECTION 2379ak. 144.441 (2) (title) of the statutes is amended to read:

144.441 (2) (title) LONG-TERM CARE AND FINANCIAL RESPONSIBILITY; TERMINATION.

SECTION 2379aLb. 144.441 (2) (b) of the statutes is repealed and recreated to read:

144.441 (2) (b) *Proof of financial responsibility.* 1. Except as provided in subd. 2, the owner of an approved facility shall maintain proof of financial responsibility as provided in s. 144.443 during the operation of the approved facility and for 40 years after the closing of the approved facility unless the obligation is extended under par. (f).

2. The owner of an approved facility for which the plan of operation was approved under s. 144.44 (3) (c) before the effective date of this subdivision [revisor inserts date], shall maintain proof of financial responsibility as provided in s. 144.443 during the operation of the approved facility and for the period for which the owner has responsibility for long-term care of the facility under par. (c) 1.

SECTION 2379am. 144.441 (2) (c) of the statutes is amended to read:

144.441 (2) (c) (title) *Long-term care responsibility for certain approved facilities.* ~~If the plan of operation for an approved facility which is a solid waste disposal facility indicates or if the owner of the facility requests and the department approves, the 1. The owner's responsibility for long-term care of the an approved facility for which the plan of operation was approved under s. 144.44 (3) (c) before the effective date of this subdivision [revisor inserts date], terminates either 20 years or 30 years after the closing of the facility as specified in the approved plan of operation unless the owner's responsibility for long-term care is terminated earlier under par. (d). This paragraph does not apply to the extended under par. (e).~~

2. The owner's responsibility for the long-term care of ~~either a mining waste facility or an approved facility which is a hazardous waste disposal facility an approved facility for which the plan of operation is approved under s. 144.44 (3) (c) on or after the effective date of this subdivision [revisor inserts date], does not terminate, except that if another person acquires the rights of ownership and is issued under s. 144.444 (1) a new operating license for the approved facility, the owner's responsibility is transferred to that other person upon the issuance of the new operating license.~~

SECTION 2379anb. 144.441 (2) (d) of the statutes is repealed.

SECTION 2379ao. 144.441 (2) (e) of the statutes is amended to read:

144.441 (2) (e) (title) *Extension of long-term care responsibility; earlier approvals.* If the department

determines that it is necessary to protect human health or the environment, the department may require the owner of a hazardous waste disposal facility for which the plan of operation was approved under s. 144.44 (3) (c) before the effective date of this paragraph [revisor inserts date], to remain responsible for the long-term care of the facility for a period of more than 30 years. The department shall notify the owner of the extended long-term care requirement before the expiration of the original 30-year period.

SECTION 2379ap. 144.441 (2) (f) of the statutes is created to read:

144.441 (2) (f) *Extension of obligation to provide proof of financial responsibility; later approvals.* If the department determines that it is necessary to protect human health or the environment, the department may require the owner of a solid or hazardous waste disposal facility for which the plan of operation is approved under s. 144.44 (3) (c) on or after the effective date of this paragraph [revisor inserts date], to provide proof of financial responsibility for the long-term care of the facility for more than 40 years. The department shall notify the owner of the extended obligation to provide proof of financial responsibility before the expiration of the original 40-year period. The department shall promulgate rules establishing the procedure used to determine if it is necessary to protect human health or the environment.

SECTION 2379aq. 144.441 (3) (a) of the statutes is amended to read:

144.441 (3) (a) *Imposition of tonnage fee.* Except as provided under pars. (b) to (d) and (e), the owner or operator of ~~a licensed solid or hazardous waste disposal~~ an approved facility for which the plan of operation was approved under s. 144.44 (3) (c) before the effective date of this paragraph [revisor inserts date], or of a nonapproved facility shall pay periodically to the department a tonnage fee for each ton or equivalent volume of solid or hazardous waste received and disposed of at the facility during the preceding reporting period. The department may determine by rule the volume which is equivalent to a ton of waste.

SECTION 2379ar. 144.441 (3) (c) of the statutes is amended to read:

144.441 (3) (c) *Exemption from tonnage fees; when waste management fund exceeds maximum.* Whenever the investment board certifies to the department that the balance in the waste management fund exceeds \$15,000,000, the solid or hazardous waste received by ~~a~~ an approved facility which is operating under its 6th or subsequent year subject to licensing is not subject to the tonnage fee imposed under par. (a) until the investment board certifies to the department that the balance in the waste management fund is less than \$12,000,000.

SECTION 2379as. 144.441 (3) (d) of the statutes is amended to read:

144.441 (3) (d) *Exemption from tonnage fees; if waste management base fee exceeds total tonnage fees.* If the total annual tonnage fees for all solid and hazardous waste received by an approved facility would be less than or equal to the waste management base fee for that year, the solid or hazardous waste received by the approved facility is exempt from the tonnage fee imposed under par. (a) for that year. The department shall establish methods by rule for estimating the total annual tonnages for all solid and hazardous waste received by ~~a~~ an approved facility. If an estimate reveals that total annual tonnage fees for ~~a~~ an approved facility for a certain year are unlikely to exceed the waste management base fee for that year, the department shall grant an exemption under this paragraph without requiring the calculation of the actual total annual tonnage fees.

SECTION 2379at. 144.441 (3) (e) of the statutes is amended to read:

144.441 (3) (e) *Reduction of tonnage fee by the amount of the waste management base fee.* If the total annual tonnage fees for all solid and hazardous waste received by an approved facility would exceed the waste management base fee for that year, the total annual tonnage fees imposed on that approved facility shall be reduced by the amount of the waste management base fee imposed for the same year.

SECTION 2379au. 144.441 (3) (g) of the statutes is renumbered 144.441 (3) (g) 1 and amended to read:

144.441 (3) (g) 1. *Tonnage* ~~Except as provided in subd. 2, tonnage~~ fees shall be paid into the waste management fund to be used for the purposes specified under sub. (6) (d) and (e).

SECTION 2379av. 144.441 (3) (g) 2 of the statutes is created to read:

144.441 (3) (g) 2. Tonnage fees paid by a nonapproved facility shall be paid into the environmental fund for environmental repair.

SECTION 2379aw. 144.441 (4) (d) of the statutes is amended to read:

144.441 (4) (d) *Tonnage fee; solid waste; 20-year responsibility.* With respect to ~~a~~ an approved facility under sub. (2) (c) 1 for which the owner's responsibility for long-term care terminates 20 years after closing, the tonnage fee imposed under sub. (3) (a) is 3.5 cents per ton for solid waste.

SECTION 2379ax. 144.441 (4) (f) of the statutes is amended to read:

144.441 (4) (f) *Tonnage fee; other waste; 20-year responsibility.* With respect to ~~a~~ an approved facility under sub. (2) (c) 1 for which the owner's responsibility for long-term care terminates 20 years after closing, the tonnage fee imposed under sub. (3) (a) is 3.5 cents per ton for waste consisting of 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.

SECTION 2379ay. 144.441 (5) (b) of the statutes is amended to read:

144.441 (5) (b) *Exemption from waste management base fee; when waste management fund exceeds maximum.* If the solid and hazardous waste received by a an approved facility are not subject to the tonnage fees imposed under sub. (3) (a) because of sub. (3) (c), the owner or operator of the approved facility is not subject to the waste management base fee imposed under par. (a).

SECTION 2379az. 144.441 (6) (d) of the statutes is amended to read:

144.441 (6) (d) *Payments for long-term care after termination of owner responsibility.* The department may make payments for all costs of long-term care of an approved facility for which the plan of operation was approved under s. 144.44 (3) (c) before the effective date of this paragraph [revisor inserts date], accruing after the responsibility of the owner is terminated under sub. (2) (c) 1. The department shall by rule provide for the method of payment.

SECTION 2379ba. 144.441 (6m) of the statutes is created to read:

144.441 (6m) **REPORT ON WASTE MANAGEMENT FUND.** With its biennial budget request to the department of administration under s. 16.42, the natural resources board shall include a report on the fiscal status of the waste management fund and an estimate of the receipts by and expenditures from the fund in the current fiscal year and in the future.

SECTION 2379bb. 144.441 (7) (title) and (a) to (c) of the statutes are amended to read:

144.441 (7) (title) **GROUNDWATER AND WELL COMPENSATION FEES.** (a) (title) *Imposition of groundwater and well compensation fees on generators.* Except as provided under par. (f), a generator of solid or hazardous waste shall pay a separate groundwater fee and well compensation fees for each ton or equivalent volume of solid or hazardous waste which is disposed of at a licensed solid or hazardous waste disposal facility. If a person arranges for collection or disposal services on behalf of one or more generators, that person shall pay the groundwater fee and well compensation fees to the licensed solid or hazardous waste disposal facility or to any intermediate hauler used to transfer wastes from collection points to a licensed facility. An intermediate hauler who receives groundwater and well compensation fees under this paragraph shall pay the fees to the licensed solid or hazardous waste disposal facility. Tonnage or equivalent volume shall be calculated in the same manner as the calculation made for tonnage fees under sub. (3).

(b) *Collection.* The owner or operator of a licensed solid or hazardous waste disposal facility shall collect the groundwater fee and well compensation fees from the generator, a person who arranges for disposal on behalf of one or more generators or an intermediate hauler and shall pay to the department the amount of

the fees required to be collected according to the amount of solid or hazardous waste received and disposed of at the facility during the preceding reporting period.

(c) (title) *Amount of groundwater and well compensation fees.* Except as provided under par. (d), the groundwater fee imposed under par. (a) is 10 cents per ton for solid or hazardous waste. The well compensation fee imposed under par. (a) for solid or hazardous waste, excluding prospecting or mining waste is one cent per ton.

SECTION 2379bc. 144.441 (7) (e) of the statutes is amended to read:

144.441 (7) (e) *In addition to other fees.* The groundwater ~~fee~~ and well compensation fees collected and paid under par. (b) ~~is are~~ in addition to the tonnage fee imposed under sub. (3), the waste management base fee imposed under sub. (5), the environmental repair base fee imposed under s. 144.442 (2) and the environmental repair surcharge imposed under s. 144.442 (3).

SECTION 2379be. 144.441 (7) (f) of the statutes is amended to read:

144.441 (7) (f) (title) *Exemption from groundwater and well compensation fees; certain materials used in operation of the facility.* Solid waste materials approved by the department for lining, daily cover or capping or for constructing berms, dikes or roads within a solid waste disposal facility are not subject to the groundwater fee and well compensation fees imposed under par. (a).

SECTION 2379bf. 144.441 (7) (g) of the statutes is amended to read:

144.441 (7) (g) *Reporting period.* The reporting period under this subsection is the same as the reporting period under sub. (3). The owner or operator of any licensed solid or hazardous waste disposal facility shall pay groundwater and well compensation fees required to be collected under par. (b) at the same time as any tonnage fees under sub. (3) and the waste management base fee under sub. (5) are paid.

SECTION 2379bg. 144.441 (7) (h) of the statutes is amended to read:

144.441 (7) (h) (title) *Use of groundwater and well compensation fees.* The groundwater fees collected under par. (b) shall be credited to the groundwater environmental fund for groundwater management. The well compensation fees collected under par. (b) shall be credited to the environmental fund for environmental repair.

SECTION 2379bh. 144.441 (7) (i) (title), 1, 2, 3. a and 5 of the statutes are amended to read:

144.441 (7) (i) (title) *Failure to pay groundwater and well compensation fees.* 1. If a person required under par. (a) to pay a groundwater fee and well compensation fees to a licensed solid or hazardous waste disposal facility fails to pay the ~~fee~~ fees, the owner or operator of the licensed solid or hazardous waste

disposal facility shall submit to the department with the payment required under par. (b) an affidavit stating facts sufficient to show the person's failure to comply with par. (a).

2. If the person named in the affidavit under subd. 1 is a generator or a person who arranges for collection or disposal services on behalf of one or more generators and the person holds a license for the collection and transportation of solid or hazardous waste, the department shall immediately notify the person that the license will be suspended 30 days after the date the notice is mailed unless the person submits to the department an affidavit stating facts sufficient to show that it has paid the ~~fee~~ fees as required under par. (a).

3. a. The person named in the affidavit under subd. 1 received the required ~~fee~~ fees from a generator, from a person who arranges for collection or disposal services on behalf of one or more generators or from an earlier intermediate hauler, and paid the ~~fee~~ fees to the licensed solid or hazardous waste disposal facility or to a subsequent intermediate hauler.

5. When a person whose license is suspended under subd. 4 provides the department with proof that the person has paid the owner or operator of the licensed solid or hazardous waste facility the amount of the unpaid ~~fee~~ fees, the department shall immediately reinstate the suspended license.

SECTION 2379bhp. 144.442 (1m) (cm) of the statutes is amended to read:

144.442 (1m) (cm) *Amount of environmental repair fee.* Except as provided under par. (d), the environmental repair fee imposed under par. (a) is 15 cents per ton for solid or hazardous waste. ~~This paragraph applies to solid and hazardous waste received by a licensed solid or hazardous waste disposal facility after December 31, 1985, but before July 1, 1989, and 20 cents per ton for solid or hazardous waste received by a licensed solid or hazardous waste disposal facility on or after July 1, 1989.~~

SECTION 2379bi. 144.442 (1m) (cp) of the statutes is amended to read:

144.442 (1m) (cp) *Amount of environmental repair fee.* Notwithstanding par. (cm) and except as provided under par. (d), the environmental repair fee imposed under par. (a) is 30 cents per ton for solid or hazardous waste ~~from, other than high-volume industrial waste, as defined in s. 144.44 (7) (a) 1, disposed of on or after January 1, 1988. This paragraph applies to solid and hazardous waste other than high-volume industrial waste, as defined in s. 144.44 (7) (a) 1, received by a licensed solid or hazardous waste disposal facility after December 31, 1987 but before July 1, 1989, and 50 cents per ton disposed of on or after July 1, 1989.~~

SECTION 2379bj. 144.442 (1m) (e) of the statutes is amended to read:

144.442 (1m) (e) *In addition to other fees.* The environmental repair fee collected and paid under par. (b)

is in addition to the base fee imposed under sub. (2), the surcharge imposed under sub. (3), the tonnage fee imposed under s. 144.441 (3), the waste management base fee imposed under s. 144.441 (5) and the ground-water ~~fee~~ and well compensation fees imposed under s. 144.441 (7).

SECTION 2379bk. 144.442 (1m) (h) of the statutes is amended to read:

144.442 (1m) (h) *Use of environmental repair fee.* The fees collected under par. (b) shall be credited to the environmental ~~repair~~ fund for environmental repair.

SECTION 2379bL. 144.442 (1s) of the statutes is created to read:

144.442 (1s) ENVIRONMENTAL REPAIR FEE FOR GENERATORS OF HAZARDOUS WASTE. (a) A generator of hazardous waste who is required to report annually on hazardous waste activities according to rules promulgated under s. 144.62 (8) (b) shall pay an annual environmental repair fee.

(b) The annual environmental repair fee under par. (a) shall be assessed as follows:

1. A generator of hazardous waste shall pay a base fee of \$100 if the generator has generated more than zero pounds in that particular year, plus \$19 per ton of hazardous waste generated during the reporting year.

2. No generator may pay a fee that is greater than \$10,000.

(c) No fees may be assessed under par. (a) for the following hazardous wastes:

1. Hazardous wastes which are recovered for recycling or reuse including hazardous wastes incinerated for the purpose of energy recovery.

2. Leachate which contains hazardous waste which is being transported to a wastewater treatment plant or is discharged directly to a sewer pipe.

3. Hazardous wastes which are removed from a site or facility to repair environmental pollution.

(d) The department shall assess fees under par. (a) on the basis of the generator's report that is submitted according to the rules promulgated under s. 144.62 (8) (b).

(e) All moneys received under this subsection shall be credited to the environmental fund for environmental repair.

SECTION 2379bm. 144.442 (2) (c) of the statutes is amended to read:

144.442 (2) (c) *Use of environmental repair base fees.* Environmental repair base fees shall be credited to the environmental ~~repair~~ fund for environmental repair.

SECTION 2379bn. 144.442 (3) (c) of the statutes is amended to read:

144.442 (3) (c) *Use of environmental repair surcharge.* Environmental repair surcharges shall be credited to the environmental ~~repair~~ fund for environmental repair.

~~SECTION 2379ba. 144.442 (6) (c) of the statutes is amended to read:~~ **Vetoed in Part**

Vetoed
in Part

~~144.442 (6) (c) *Sequence of remedial action.* In determining the sequence for taking remedial action under this subsection, the department shall consider the hazard ranking of each site or facility, the amount of funds available, the information available about each site or facility, the willingness and ability of an owner, operator or other responsible person to undertake or assist in remedial action, the availability of federal funds under 42 USC 9601, et seq. and other relevant factors. The department shall give the highest priority to remedial action at sites or facilities which have caused contamination of a municipal water supply in a town with a population greater than 10,000. The department shall give the next highest priority to remedial action at sites or facilities which have caused contamination of private wells located near the headwaters of a stream which the department has determined has a self-sustaining population of trout and that is located in a priority watershed, as defined in s. 144.25 (2) (c). If any such site or facility is eligible for federal funds under 42 USC s. 9601 to 9675, but the federal funds will not be available before January 1, 2000, the department shall proceed with remedial action using state funds.~~

SECTION 2379bp. 144.442 (6r) of the statutes is created to read:

144.442 (6r) MUNICIPAL INCINERATOR ASH TESTING. Notwithstanding the inventory, analysis and hazard ranking under sub. (4), the environmental response plan prepared under sub. (5), the environmental repair authority, remedial action sequence and emergency response requirements under sub. (6), or the monitoring costs under sub. (6m), the department shall pay the cost incurred by a municipality after June 30, 1986, and before January 30, 1988, for testing required to determine whether the ash from a municipally owned incinerator is hazardous. The department shall make payments under this subsection from the appropriation under s. 20.370 (2) (dv) prior to making other payments from that appropriation.

SECTION 2379bq. 144.442 (7) of the statutes is amended to read:

144.442 (7) PAYMENTS FROM THE INVESTMENT AND LOCAL IMPACT FUND. The department may expend moneys received from the investment and local impact fund for the purposes specified under sub. (6) only for approved mining facilities and only if moneys in the environmental ~~repair~~ fund that are available for environmental repair are insufficient to make complete payments. The amount expended by the department under this subsection may not exceed the balance in the environmental ~~repair~~ fund that is available for environmental repair at the beginning of that fiscal year or 50% of the balance in the investment and local impact fund at the beginning of that fiscal year, whichever amount is greater.

SECTION 2379br. 144.442 (8) (b) of the statutes is amended to read:

144.442 (8) (b) The department may expend moneys from the ~~appropriation~~ appropriations under s. ss. 20.370 (2) (dv) and 20.866 (2) (tg) as required under 42 USC 9601, et seq. The department shall promulgate by rule criteria for the expenditure of moneys from the ~~appropriation~~ appropriations under s. ss. 20.370 (2) (dv) and 20.866 (2) (tg). The criteria shall include consideration of the amount of moneys available in the ~~appropriation~~ appropriations under s. ss. 20.370 (2) (dv) and 20.866 (2) (tg), the moneys available from other sources for the required sharing of costs, the differences between public and private sites or facilities, the potential for cost recovery from responsible parties and any other appropriate factors.

SECTION 2379bs. 144.442 (8) (c) 4 of the statutes is amended to read:

144.442 (8) (c) 4. All moneys received under this paragraph shall be credited to the environmental ~~repair~~ fund for environmental repair.

SECTION 2379bt. 144.442 (9) (g) of the statutes is amended to read:

144.442 (9) (g) *Disposition of funds.* If the original expenditure was made from the environmental repair fund, under s. 25.46, 1987 stats., or the environmental fund, the net proceeds of the recovery shall be paid into the environmental ~~repair~~ fund for environmental repair. If the original expenditure was made from the investment and local impact fund, the net proceeds of the recovery shall be paid into the investment and local impact fund.

SECTION 2379bu. 144.443 (2) (a) of the statutes is amended to read:

144.443 (2) (a) *Disposal facilities.* The owner or operator of a solid or hazardous waste disposal facility shall maintain proof of financial responsibility ensuring the availability of funds for compliance with the closure and long-term care requirements specified in any plan of operation during the period specified in s. 144.441 (2) (b).

SECTION 2379bv. 144.443 (3) (b) of the statutes is amended to read:

144.443 (3) (b) *Duration of standard methods.* The department may approve a standard method of establishing proof of financial responsibility under par. (a) which expires before the termination of the owner's obligation to provide proof of financial responsibility for long-term care if the owner or operator shows to a reasonable degree of certainty that the proof of financial responsibility can be renewed or replaced upon expiration and that the owner or operator has an adequate plan to maintain proof of financial responsibility for the closure and long-term care requirements of the plan until termination of the owner's obligation to provide proof of financial responsibility for long-term care.

SECTION 2379bw. 144.444 (2) of the statutes is amended to read:

144.444 (2) Any person having or acquiring rights of ownership in land where ~~an approved a solid or hazardous waste disposal facility, as defined under s. 144.441 (1) (a), was previously operated may not, after termination of the owner's responsibility for long-term care of the facility under s. 144.441 (2),~~ undertake any activities on the land which interfere with the closed facility causing a significant threat to public health, safety or welfare.

SECTION 2379bwa. 144.76 (6) (a) of the statutes is amended to read:

144.76 (6) (a) *Contingency plan; activities resulting from discharges.* The department may utilize moneys appropriated under s. 20.370 (2) ~~(di)~~, (dv) ~~and~~, (dx) ~~and~~ (fq) in implementing and carrying out the contingency plan developed under sub. (5) and to provide for the procurement, maintenance and storage of necessary equipment and supplies, personnel training and expenses incurred in identifying, locating, monitoring, containing, removing and disposing of discharged substances.

SECTION 2379bwb. 144.76 (6) (b) of the statutes is amended to read:

144.76 (6) (b) *Limitation on equipment expenses.* No more than 25% of the moneys available under the appropriation under s. 20.370 (2) ~~(di)~~, (dv) ~~or~~, (dx) ~~or~~ (fq) during any fiscal year may be used for the procurement and maintenance of necessary equipment during that fiscal year.

SECTION 2379bwc. 144.76 (6) (c) 1 of the statutes is amended to read:

144.76 (6) (c) 1. Reimbursements to the department under sub. (7) (b) shall be credited to the environmental ~~repair~~ fund for environmental repair.

SECTION 2379bwd. 144.77 (6) (a) of the statutes is amended to read:

144.77 (6) (a) The department may utilize moneys appropriated under s. 20.370 (2) ~~(di)~~, (dv) ~~and~~, (dx) ~~and~~ (fq) in taking action under sub. (3). The department shall utilize these moneys to provide for the procurement, maintenance and storage of necessary equipment and supplies, personnel training and expenses incurred in locating, identifying, removing and disposing of abandoned containers.

SECTION 2379bwe. 144.77 (6) (b) of the statutes is amended to read:

144.77 (6) (b) No more than 25% of the total of all moneys available under the appropriation under s. 20.370 (2) ~~(di)~~, (dv) ~~and~~, (dx) ~~and~~ (fq) may be used annually for the procurement and maintenance of necessary equipment during that fiscal year.

SECTION 2379bwf. 144.794 (5) (e) of the statutes is amended to read:

144.794 (5) (e) Solid waste produced by a commercial business or industry which is disposed of or held for disposal in an approved facility, as defined under s. 144.441 (2) (a) ~~+~~ (1) (a), owned by the generator and designed and constructed for the purpose of accepting that type of solid waste.

SECTION 2379bwh. 144.795 (7) of the statutes is amended to read:

144.795 (7) Administer the waste reduction and recycling demonstration and development grant program under s. 144.799.

SECTION 2379bwq. 144.7967 of the statutes is created to read:

144.7967 Yard waste Publicity. The department shall conduct activities to make the public aware of the need to cease disposing of yard waste in solid waste disposal facilities.

SECTION 2379bwsc. 144.799 (title) of the statutes is amended to read:

144.799 (title) Waste reduction and recycling demonstration and development grants.

SECTION 2379bwse. 144.799 (2) of the statutes is amended to read:

144.799 (2) **DEPARTMENT POWERS AND DUTIES.** The department shall develop, implement and administer a demonstration and development grant program. The department shall develop evaluation criteria for reporting on and evaluating this program including the number of demonstration grants and development grants awarded, the extent to which the grant moneys are used as required under this section and the impact of activities financed with these grants on the amount of solid waste disposed of at land disposal facilities.

SECTION 2379bwsg. 144.799 (3) of the statutes is amended to read:

144.799 (3) (title) **GRANTS; ELIGIBILITY; APPLICATIONS.** (a) A municipality, public entity, private business or nonprofit organization which meets eligibility requirements established by the department may apply for a demonstration grant for the purpose of implementing innovative waste reduction and recycling activities or a development grant for the purpose of implementing demonstrated waste reduction and recycling activities.

(b) An application for a demonstration grant or a development grant shall contain the information, shall be in a form and shall be submitted in the manner required by the department.

(c) After June 30, 1986, a county, city, village or town may not apply for a demonstration grant or a development grant unless it has an areawide solid waste management plan approved by the department.

(d) After June 30, 1988, a county, city, village or town may not apply for a demonstration grant or a development grant unless it has a waste reduction and recycling plan approved by the department.

SECTION 2379bwsh. 144.799 (4) (title) of the statutes is amended to read:

144.799 (4) (title) **GRANTS; CRITERIA.**

SECTION 2379bwsj. 144.799 (4) (intro.) of the statutes is renumbered 144.799 (4) (a) and amended to read:

144.799 (4) (a) The department shall develop by rule criteria for determining eligibility, for approving,

for determining the amount of and for establishing priorities for distributing demonstration grants and development grants. ~~These criteria shall include:~~

SECTION 2379bws. 144.799 (4) (a) to (d) of the statutes are renumbered 144.799 (4) (b) 1 to 4, and 144.799 (4) (b) 1 of the statutes, as renumbered, is amended to read:

144.799 (4) (b) 1. The weight or equivalent volume of solid waste which is anticipated to be diverted from disposal at land disposal facilities through the implementation of waste reduction and recycling activities. This weight or equivalent volume shall not include solid waste diverted from waste reduction or recycling facilities or activities in existence or for which a feasibility report is submitted on or before the date of application for the demonstration grant or development grant.

SECTION 2379bws. 144.799 (4) (b) (intro.) of the statutes is created to read:

144.799 (4) (b) (intro.) The criteria under par. (a) for demonstration and development grants shall include:

SECTION 2379bwso. 144.799 (4) (b) 5 of the statutes is created to read:

144.799 (4) (b) 5. Consideration of the potential of the proposed waste reduction and recycling activities to result in pollution through air emissions, wastewater discharges, leaching of residues or other means.

SECTION 2379bwsq. 144.799 (4) (c) (intro.) of the statutes is created to read:

144.799 (4) (c) (intro.) The criteria under par. (a) for demonstration grants shall include:

SECTION 2379bw. 144.799 (4) (d) of the statutes is created to read:

144.799 (4) (d) The department may not approve development grants for any aspect of the planning or construction of a new solid waste incineration facility or the expansion of an existing solid waste incineration facility. The department may approve development grants for the mitigation of environmental impacts of or improvement of existing solid waste incineration facilities.

SECTION 2379bwss. 144.799 (4) (e) to (g) of the statutes are renumbered 144.799 (4) (c) 1 to 3, and 144.799 (4) (c) 3, as renumbered, is amended to read:

144.799 (4) (c) 3. Consideration of the application or implementation of innovative technologies in a project which employs a proven technology in a waste reduction or recycling activity. Notwithstanding ~~par. (f) subd. 2~~, a project which employs a proven technology may receive grant moneys for that portion of the project which implements innovative technologies and applications.

SECTION 2379bwsw. 144.799 (5) of the statutes is amended to read:

144.799 (5) (title) GRANTS; FINANCIAL ASSISTANCE.
(a) The department may enter into agreements with

eligible applicants to make demonstration grants and development grants from the appropriation under s. 20.370 (4) (ce).

(b) An eligible applicant for a demonstration grant or a development grant may receive a grant based upon the weight or equivalent volume of solid waste anticipated to be diverted from disposal at land disposal facilities but ~~the a~~ demonstration grant may not exceed 50% of the actual ~~development~~ eligible costs or \$75,000, whichever is less, and a development grant may not exceed 50% of the actual eligible costs or \$150,000, which ever is less. The department may award up to 75% of the ~~demonstration~~ grant to the applicant upon approval. The department shall award the remainder of the ~~demonstration~~ grant only if the waste reduction and recycling activities are implemented and approved by the department. An applicant may receive only one demonstration grant and one development grant.

SECTION 2379c. 144.833 (1) (b) of the statutes is amended to read:

144.833 (1) (b) "Radioactive waste" means high-level radioactive waste and transuranic waste, as defined under s. ~~16.08~~ 36.50 (1) (c) and (d).

SECTION 2379d. 144.833 (1) (b) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

144.833 (1) (b) "Radioactive waste" means any of the following:

1. Fuel that is withdrawn from a nuclear reactor after irradiation and which is packaged and prepared for disposal.

2. Highly radioactive waste resulting from reprocessing irradiated nuclear fuel including both the liquid waste which is produced directly in reprocessing and any solid material into which the liquid waste is transformed.

3. Waste material containing alpha-emitting radioactive elements having an atomic number greater than 92 in concentrations greater than 10 nanocuries per gram.

SECTION 2379f. 144.833 (3) of the statutes is amended to read:

144.833 (3) APPROVAL REQUIRED PRIOR TO DRILLING. No person may engage in radioactive waste site exploration by drilling on a parcel unless notice is provided as required under sub. (2) and s. 144.832 (4) (a) and unless the department issues a written approval authorizing drilling on that parcel. If the person seeking this approval is the federal department of energy or an agent or employe of the federal department of energy, the department may not issue the approval unless the radioactive waste review board certifies that the federal department of energy and its agents or employes have complied with any requirement imposed by the radioactive waste review board under s. ~~16.08~~ 36.50 or any agreement entered into under that section.

SECTION 2379g. 144.833 (3) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

144.833 (3) APPROVAL REQUIRED PRIOR TO DRILLING. No person may engage in radioactive waste site exploration by drilling on a parcel unless notice is provided as required under sub. (2) and s. 144.832 (4) (a) and unless the department issues a written approval authorizing drilling on that parcel.

SECTION 2379i. 144.833 (7) of the statutes is amended to read:

144.833 (7) IMPACT ON RADIOACTIVE WASTE REVIEW BOARD. Nothing in this section limits the power or authority of the radioactive waste review board to impose more stringent requirements for the negotiation and approval of agreements under s. ~~146.08~~ 36.50.

SECTION 2379j. 144.833 (7) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed.

SECTION 2379k. 144.95 (1) (d) 4 of the statutes is amended to read:

144.95 (1) (d) 4. The replacement of a well or provision of alternative water supplies under s. 144.027, ~~144.028~~ or 144.265.

SECTION 2380e. 145.19 (6) of the statutes is amended to read:

145.19 (6) GROUNDWATER FEE. In addition to the fee under sub. (2), the governmental unit responsible for the regulation of private sewage systems shall collect a groundwater fee of \$25 for each sanitary permit. The governmental unit shall forward this fee to the department together with the copy of the sanitary permit and the fee under sub. (3). The moneys collected under this subsection shall be credited to the groundwater environmental fund for groundwater management.

SECTION 2380m. 145.20 (1) (am) of the statutes is created to read:

145.20 (1) (am) The governing body of the governmental unit responsible for the regulation of private sewage systems may delegate the duties of administering the private sewage system program to a town sanitary district or public inland lake protection and rehabilitation district with the powers of a town sanitary district within the town sanitary district or public inland lake protection and rehabilitation district if the town sanitary district or public inland lake protection and rehabilitation district agrees to assume those duties.

SECTION 2380r. 145.20 (3) (d) of the statutes is amended to read:

145.20 (3) (d) The department shall conduct training and informational programs for officials of the governmental unit responsible for the regulation of private sewage systems and employees and persons licensed under this chapter and s. 146.20 and certified as operators of septage servicing vehicles under s. 144.025 (2) (L) to improve the delivery of service under the private sewage system program. The

department shall obtain the assistance of the Wisconsin counties association in planning and conducting the training and informational programs.

SECTION 2381. 145.20 (5) of the statutes is created to read:

145.20 (5) PRIVATE SEWAGE SYSTEM RESEARCH. (a) The department shall, from the moneys appropriated under s. 20.445 (1) (d), conduct research on and develop septic and private sewage system technologies, and develop management strategies for the operation and maintenance of sewage system technologies to ensure that groundwater quality and surface water quality are protected, subject to the following conditions:

1. The department shall design research and development activities to demonstrate the feasibility of improved private sewage systems.

2. Before conducting the research or development activity, the department shall determine that the activities are unlikely to violate any law relating to groundwater or surface water quality under ch. 144, 147 or 160.

3. The department shall give priority to research and development activities designed to provide information that will be useful in improving the protection of groundwater and surface water quality.

(b) This subsection does not apply after June 30, 1993.

SECTION 2382. 146.02 (2) of the statutes is amended to read:

146.02 (2) TESTS; DIAGNOSTIC, DIETARY AND FOLLOW-UP COUNSELING PROGRAM; FEES. The department shall contract with the state laboratory of hygiene to perform the tests specified under this section and to furnish materials for use in the tests. The department shall provide necessary diagnostic services, special dietary treatment as prescribed by a physician for ~~an infant~~ a patient with a congenital disorder as identified by tests under sub. (1) or (1m) and follow-up counseling for the patient and his or her family. The state laboratory of hygiene board, on behalf of the department, shall impose a fee for tests performed under this section sufficient to pay for services provided under the contract and shall include as part of this fee and pay to the department an amount the department determines is sufficient to fund the provision of diagnostic and counseling services, special dietary treatment and periodic evaluation of infant screening programs under this section.

SECTION 2383b. 146.022 (2) (intro.), (a), (b) and (d) to (i) of the statutes are renumbered 146.022 (2) (a) (intro.) and 1 to 7, and 146.022 (2) (a) (intro.), as renumbered, is amended to read:

146.022 (2) (a) (title) *Acquired immunodeficiency syndrome services*. (intro.) From the appropriations under s. 20.435 (1) (a) and (am), the department shall allocate a total of ~~\$242,200~~ \$856,200 in state fiscal year ~~1987-88~~ 1989-90 and ~~\$292,200~~ \$988,200 in state fiscal year ~~1988-89~~, from the appropriation under s.

20.435 (1) (a) the department may allocate up to \$164,800 in state fiscal year 1988-89 1990-91 and from the appropriations under s. 20.435 (1) (mc) and (md) and (4) ~~(m)~~ (6) (mc) the department shall allocate a total of \$318,100 \$177,000 in each of state fiscal years 1987-88 1989-90 and 1988-89 1990-91 for the provision of services to individuals with or at risk of contracting acquired immunodeficiency syndrome, as follows:

SECTION 2383g. 146.022 (2) (a) 8 of the statutes is created to read:

146.022 (2) (a) 8. 'Life care services.' The department shall allocate \$564,000 in fiscal year 1989-90 and \$696,000 in fiscal year 1990-91 in grants to applying organizations for the provision of needs assessments; assistance in procuring financial, medical, legal, social and pastoral services; counseling and therapy; home-care services and supplies; and advocacy.

SECTION 2383m. 146.022 (2) (c) of the statutes is renumbered 146.022 (2) (b) and amended to read:

146.022 (2) (b) *Prevention training for alcohol and drug abuse workers.* ~~The~~ From the appropriation under s. 20.435 (6) (mc), the department shall allocate \$25,000 in each of state fiscal years 1989-90 and 1990-91 to provide training for persons providing alcohol and other drug abuse services and counseling under s. 115.36 (3) or through county departments under s. 46.21, 46.23, 51.42 or 51.437, in order to enable these persons to educate individuals who are drug dependent with respect to the use of shared intravenous equipment and acquired immunodeficiency syndrome and its prevention.

SECTION 2383r. 146.022 (3) of the statutes is amended to read:

146.022 (3) CONFIDENTIALITY OF INFORMATION. The results of any test performed under sub. (2) ~~(f)~~ (a) 5 are confidential and may be disclosed only to the individual who receives a test or to other persons with the informed consent of the test subject. Information other than that released to the test subject, if released under sub. (2) ~~(f)~~ (a) 5, may not identify the test subject.

SECTION 2384g. 146.024 of the statutes is created to read:

146.024 Continuation coverage premium subsidies.
(1) DEFINITIONS. In this section:

(a) "Continuation coverage" means coverage under a group health plan that is available under s. 632.897 or 29 USC 1161 to 1168, to a group member upon termination of the group member's employment or a reduction in his or her hours.

(b) "Group health plan" means an insurance policy or a partially or wholly uninsured plan or program that provides hospital, medical or other health coverage to members of a group.

(c) "HIV" means any strain of human immunodeficiency virus, which causes acquired immunodeficiency syndrome.

(d) "HIV infection" means the pathological state produced by a human body in response to the presence of HIV.

(e) "Residence" means the concurrence of physical presence with intent to remain in a place of fixed habitation. Physical presence is prima facie evidence of intent to remain.

(2) **SUBSIDY PROGRAM.** The department shall establish and administer a program to subsidize, from the appropriation under s. 20.435 (1) (ak), the premium costs for continuation coverage available to an individual who has HIV infection and who is unable to continue his or her employment or must reduce his or her hours because of an illness or medical condition arising from or related to HIV infection.

(3) **ELIGIBILITY.** An individual is eligible to receive a subsidy in an amount determined under sub. (4), if the department determines that the individual meets all of the following criteria:

(a) Has residence in this state.

(b) Has a family income, as defined by rule under sub. (6), that does not exceed 200% of the federal poverty line, as defined under 42 USC 9902 (2), for a family the size of the individual's family.

(c) Has submitted to the department a certification from a physician, as defined in s. 448.01 (5), of all of the following:

1. That the individual has an infection that is an HIV infection.

2. That the individual's employment has terminated or his or her hours have been reduced, because of an illness or medical condition arising from or related to the individual's HIV infection.

(d) Is eligible for continuation coverage.

(e) Authorizes the department, in writing, to do all of the following:

1. Contact the individual's former employer or the administrator of the group health plan under which the individual is covered, to verify the individual's eligibility for continuation coverage and the premium and any other conditions of coverage, to make premium payments as provided in sub. (4) and for other purposes related to the administration of this section.

2. Make any necessary disclosure to the individual's former employer or the administrator of the group health plan under which the individual is covered regarding the individual's HIV status.

(f) Is not covered by a group health plan other than the group health plan under which the individual is eligible for continuation coverage, and is not covered by an individual health insurance policy.

(g) Is not eligible for medicare under 42 USC 1395 to 1395zz and does not have his or her health care costs paid for by medical assistance under ss. 49.45 to 49.47, general relief administered under s. 49.02 or any other federal, state, county or municipal program.

(4) **AMOUNT AND PERIOD OF SUBSIDY.** (a) Except as provided in par. (b), if an individual satisfies sub. (3),

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the department shall pay the full amount of each premium payment for continuation coverage that is due from the individual under s. 632.897 (2) (d) or 29 USC 1162 (3), whichever is applicable, on or after the date on which the individual becomes eligible for a subsidy under sub. (3). The department may not refuse to pay the full amount of each premium payment because the continuation coverage that is available to the individual who satisfies sub. (3) includes coverage of the individual's spouse and dependents. Except as provided in par. (b), the department shall terminate the payments under this section when the individual's continuation coverage ceases or when the individual no longer satisfies sub. (3), whichever occurs first. The department may not make payments under this section for premiums for a conversion policy or plan that is available to an individual under s. 632.897 (4) or (6) or 29 USC 1162 (5).

(b) The obligation of the department to make payments under this section is subject to the availability of funds in the appropriation under s. 20.435 (1) (ak).

(5) APPLICATION PROCESS. The department may establish, by rule, a procedure under which an individual who does not satisfy sub. (3) (b), (c), 2 or (4) may submit to the department an application for a premium subsidy under this section that the department shall hold until the individual satisfies each requirement of sub. (3). If the department determines that the procedure will assist the department to make premium payments in a timely manner once the individual satisfies each requirement of sub. (3). If an application is submitted by an employed individual under a procedure established by rule under this subsection, the department may not contact the individual's employer or the administrator of the group health plan under which the individual is covered, unless the individual authorizes the department, in writing, to make that contact and to make any necessary disclosure to the individual's employer or the administrator of the group health plan under which the individual is covered regarding the individual's HIV status.

(6) RULES. The department shall promulgate rules that do all of the following:

(a) Define family income for purposes of sub. (3) (b).

(b) Establish a procedure for making payments under this section that ensures that the payments are actually used to pay premiums for continuation coverage available to individuals who satisfy sub. (3).

SECTION 2385. 146.027 (title) of the statutes is amended to read:

146.027 (title) Cancer control and prevention grants.

SECTION 2386. 146.027 (2) of the statutes is amended to read:

146.027 (2) From the appropriation under s. 20.435 (1) (cc), the department shall allocate up to \$400,000 in each of state fiscal year 1988-89 years 1989-90 and 1990-91 to provide grants to applying individuals, institutions or organizations for the conduct of pro-

jects on cancer control and prevention. Funds shall be awarded on a matching basis, under which, for each grant awarded, the department shall provide 50%, and the grantee 50%, of the total grant funding.

SECTION 2386m. 146.029 of the statutes is created to read:

146.029 Health care for migrant workers and families. From the appropriation under s. 20.435 (1) (cr), the department shall allocate \$50,000 in each of state fiscal years 1989-90 and 1990-91 as a grant for the provision of direct health care services to migrant workers, as defined in s. 103.90 (5), and their families. The grant shall be awarded to an applying entity that is a migrant health center for purposes of receipt of federal funds under 42 USC 254b. Funding provided under the grant shall be used for payment for the professional staff of a health clinic to do all of the following:

(1) Evaluate data on migrant health.

(2) Plan and develop health care services to migrant workers and their families.

(3) Provide medical care and medical education services to migrant workers and their families.

SECTION 2386mg. 146.18 (4) of the statutes is created to read:

146.18 (4) Of the maternal and child health block grant moneys received by the department under 42 USC 701 to 709, the department shall expend the moneys as follows:

(a) The department shall allocate some of the moneys to the department of public instruction.

(b) The remaining money not allocated to the department of public instruction under par. (a) shall be awarded as competitive grants by the department of health and social services, except that the department of health and social services may retain not more than 10% of the remaining moneys for state maternal and child health administration costs. All moneys that the department of health and social services does expend on maternal and child health administration under this paragraph shall only be spent for administering maternal and child health services, allocating maternal and child health block grant funds and giving technical assistance on maternal and child health issues.

SECTION 2386mr. 146.185 of the statutes is amended to read:

146.185 State supplemental food program for women, infants and children. From the appropriation under s. 20.435 (1) (em), the department shall supplement the provision of supplemental foods, nutrition education and other services, including nutritional counseling, to low-income women, infants and children who meet the eligibility criteria under the federal special supplemental food program for women, infants and children authorized under 42 USC 1786. To the extent that funds are available under this section and to the extent that funds are available under 42 USC 1786, every county shall provide the supple-

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Vetoed in Part mental food, nutrition education and other services authorized under this section and shall establish or designate an agency to administer that provision. ~~The department may not use funds from the appropriation under s. 20.435 (1) (rem) or funds available under 42 USC 1786 to fund maternal and child health administrative positions in the department.~~

Vetoed in Part SECTION 2386mm. 146.19 of the statutes is created to read:

146.19 Health services for adolescents. (1) In this section:

(a) "Adolescent" means a person who is at least 12 years of age but under the age of 18.

(b) "Nonprofit corporation" means a nonprofit corporation organized under ch. 181.

(c) "Organization" means a nonprofit corporation or a public agency that proposes to provide health services for adolescents.

(d) "Public agency" means a county, city, village, town or school district or an agency of this state or of a county, city, village, town or school district.

(e) "Public school" means a school that is supported wholly or substantially from public funds.

(f) "School-linked health services" means health services that are provided in a public school or in a location that is sufficiently near the grounds of a public school to permit ready access by the pupils of the public school.

(2) From the appropriation under s. 20.435 (1) (eh), the department shall allocate \$90,000 in state fiscal year 1989-90 to provide a grant to an applying organization for the establishment and maintenance of a clinic to provide school-linked health services in a county in this state having a population of 500,000 or more. The funded organization shall provide health services to adolescents which shall address primary health care needs of adolescents. The organization seeking a grant to provide these services must develop a proposed service plan that is approved by the department.

SECTION 2386pc. 146.20 (3) (title) and (a) of the statutes are amended to read:

146.20 (3) (title) LICENSE; CERTIFICATION. (a) *License; application.* Every person before engaging in the business of servicing septic tanks, soil absorption fields, holding tanks, grease traps or privies in this state shall make submit an application for a license on forms prepared by the department for licensing of each vehicle used by the person in such business. If the department, after investigation, is satisfied that the applicant has the qualifications, experience, understanding of proper servicing practices, as demonstrated by the successful completion of an examination given by the department, and equipment to perform the services servicing in a manner not detrimental to public health it shall issue the license, provided a surety bond has been executed. The license fee shall accompany all applications.

SECTION 2386pe. 146.20 (3) (b) of the statutes is amended to read:

146.20 (3) (b) *Expiration date of license.* All licenses so issued shall under this section are for one year, expire on June 30 or December 31 and shall are not be transferable. Application for renewal shall be filed on or before July 1, or January 1 and if filed after that date a penalty of \$5 shall be charged. The department shall promulgate a rule setting the amount of the penalty for late filing.

SECTION 2386pg. 146.20 (3) (c) of the statutes is amended to read:

146.20 (3) (c) *Wisconsin sanitary licensee.* Any person licensed under this section ~~is required to shall~~ paint on the side of any vehicle, ~~which he uses in such business that is used for servicing,~~ the words "Wisconsin Sanitary Licensee" and immediately under these words "License No." with the number of his the license in the space so provided with letters and numbers at least 2 inches high; and all lettering and numbering shall be in distinct color contrast to its background.

SECTION 2386pi. 146.20 (3) (d) of the statutes is repealed and recreated to read:

146.20 (3) (d) *License exception.* A farmer who disposes of septage on land is exempt from the licensing requirement under par. (a) if all of the following apply:

1. The farmer removes the septage from a septage system that is located on the same parcel of land on which the septage is disposed.

2. The farmer disposes of no more than 3,000 gallons of septage per week on the same parcel of land.

3. The farmer complies with all statutes and rules applicable to servicing.

4. The farmer has sufficient land that is suitable for septage disposal.

SECTION 2386pk. 146.20 (3) (e) of the statutes is created to read:

146.20 (3) (e) *Operator certification.* No person, except for a farmer exempted from licensing under par. (d), may service a septage system or operate a septage servicing vehicle unless the person is certified as an operator of a septage servicing vehicle under s. 144.025 (2) (L).

SECTION 2386pm. 146.20 (4) of the statutes is amended to read:

146.20 (4) SURETY BOND. Before receiving a license the applicant shall execute and deposit with the department a surety bond covering the period for which the license is issued, by a surety company authorized to transact business within the state, ~~to indemnify persons for whom faulty work is performed.~~ The bond shall be for the costs of cleanup at the site of and disposal or of a spill where a violation of rules promulgated under s. 145.20 involving servicing or contamination of groundwater or soil due to

servicing has occurred. Such bond shall be in the amount of \$1,000 for residents of the state and \$5,000 for nonresidents; provided that the aggregate liability of the surety to all such persons shall, in no event, exceed the amount of the bond. ~~Such bond shall be conditioned on the performance of services in conformity with all applicable health laws and rules.~~

SECTION 2386po. 146.20 (4s) (a) 1 and 2 of the statutes are amended to read:

146.20 (4s) (a) 1. For a ~~vehicle~~ license under sub. (3) (a) for a state resident ~~licensee~~, \$25 for each vehicle used for servicing.

2. For a ~~vehicle~~ license under sub. (3) (a) for a non-resident licensee, \$50 for each vehicle used for servicing.

SECTION 2386pt. 146.20 (4s) (a) 3 of the statutes is repealed.

SECTION 2386r. 146.20 (4s) (d) of the statutes is amended to read:

146.20 (4s) (d) In addition to the license fee under par. (a) 1 or 2, the department shall collect a groundwater fee of \$50 per licensee. The moneys collected under this paragraph shall be credited to the groundwater environmental fund for groundwater management.

SECTION 2386rg. 146.20 (5) of the statutes is renumbered 146.20 (5) (a), and 146.20 (5) (a) 3, as renumbered, is amended to read:

146.20 (5) (a) 3. ~~Demonstrated incompetency to conduct the business in conducting servicing.~~

SECTION 2386ri. 146.20 (5) (b) and (c) of the statutes are created to read:

146.20 (5) (b) The department may not reissue a license for a period of one year after revocation.

(c) The department may promulgate by rule a procedure for the temporary suspension of a license.

SECTION 2388. 146.40 (1) (bm) of the statutes is amended to read:

146.40 (1) (bm) "Home health aide" means an individual employed by or under contract with a home health agency to provide home health aide services under the supervision of a registered nurse. "Home health aide" does not mean an individual who is licensed, permitted, certified or registered under ch. 441, 448, 449, 450, 455 or 459.

SECTION 2389. 146.40 (1) (d) of the statutes is amended to read:

146.40 (1) (d) "Nurse's assistant" means ~~a person~~ an individual who performs routine patient care duties delegated by a registered nurse or licensed practical nurse who supervises the ~~person~~ individual, for the direct health care of a patient or resident. "Nurse's assistant" does not mean ~~a person~~ an individual who is licensed, permitted, certified or registered under ch. 441, 448, 449, 450, 455 or 459 or ~~a person~~ an individual whose duties primarily involve skills that are different than those taught in instructional and competency evaluation programs for nurse's assist-

ants certified under sub. (3) or evaluated by competency evaluation programs for nurse's assistants approved under sub. (3m).

SECTION 2389b. 146.40 (1) (d) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

146.40 (1) (d) "Nurse's assistant" means an individual who performs routine patient care duties delegated by a registered nurse or licensed practical nurse who supervises the individual, for the direct health care of a patient or resident. "Nurse's assistant" does not mean an individual who is licensed, permitted, certified or registered under ch. 441, 448, 449, 450, 451, 455 or 459 or an individual whose duties primarily involve skills that are different than those taught in instructional and competency evaluation programs for nurse's assistants certified under sub. (3) or evaluated by competency evaluation programs for nurse's assistants approved under sub. (3m).

SECTION 2389m. 146.40 (1) (g) of the statutes is created to read:

146.40 (1) (g) "Student nurse" means an individual who is currently enrolled in a school for professional nurses or a school for licensed practical nurses that meets standards established under s. 441.03 (3).

SECTION 2390. 146.40 (2) (intro.) of the statutes is amended to read:

146.40 (2) (intro.) After December 31, 1989, a hospital or nursing home may not employ ~~a person~~ an individual as a nurse's assistant and a home health agency may not employ ~~a person~~ an individual as a home health aide, regardless of the title under which the ~~person~~ individual is employed, unless one of the following is true:

SECTION 2391. 146.40 (2) (a) of the statutes is amended to read:

146.40 (2) (a) The ~~person~~ individual has successfully completed instruction in an instructional and competency evaluation program for nurse's assistants or for home health aides that is certified by the department under sub. (3).

SECTION 2392. 146.40 (2) (am) of the statutes is created to read:

146.40 (2) (am) If the individual was employed as a nurse's assistant or home health aide prior to July 1, 1989, the individual successfully completes, by December 31, 1989, a competency evaluation program that is approved by the department under sub. (3m).

SECTION 2393am. 146.40 (2) (b) of the statutes is renumbered 146.40 (2) (b) (intro.) and amended to read:

146.40 (2) (b) (intro.) The ~~person~~ individual has practiced as a nurse's assistant or as a home health aide for at least 12 months on or prior to December 31, 1989, except that this paragraph applies only to an individual who is employed by any of the following:

SECTION 2393b. 146.40 (2) (b) 1 to 3 of the statutes are created to read:

146.40 (2) (b) 1. A nursing home or home health agency that is not certified by the department as a provider of medical assistance or services under 42 USC 1395 to 1395ccc.

2. A hospital.

3. An intermediate care facility for the mentally retarded, as defined in s. 46.278 (1m) (a).

SECTION 2394. 146.40 (2) (c) of the statutes is amended to read:

146.40 (2) (c) The ~~person has been~~ individual is employed fewer than 91 120 calendar days by the hospital, nursing home or home health agency.

SECTION 2395. 146.40 (2) (d) of the statutes is amended to read:

146.40 (2) (d) The ~~person~~ individual has successfully completed instruction in an instructional and competency evaluation program or has successfully completed a competency evaluation program for nurse's assistants or for home health aides that is certified in another state that is specified by the department by rule, or the ~~person~~ individual is certified as a nurse's assistant or as a home health aide in another state that is specified by the department by rule.

SECTION 2395g. 146.40 (2) (e) of the statutes is created to read:

146.40 (2) (e) The individual is a student nurse and has successfully completed a competency evaluation program that is approved by the department under sub. (3m) or has successfully completed a basic nursing course from a school that is on the accredited list of schools specified under s. 441.01 (4).

SECTION 2395r. 146.40 (2) (f) of the statutes is created to read:

146.40 (2) (f) The individual has successfully completed, prior to January 1, 1990, an instructional and competency evaluation program that is substantially the same as an instructional and competency evaluation program certified by the department under sub. (3) and that the department determines generally meets the standards for certification promulgated under sub. (3).

SECTION 2396m. 146.40 (3) of the statutes is amended to read:

146.40 (3) The department shall certify instructional and competency evaluation programs for nurse's assistants and for home health aides that apply for certification and satisfy standards for certification promulgated by rule by the department. The department shall review the curriculum of each certified instructional and competency evaluation program at least once every 36 months following the date of certification to determine whether the ~~curriculum incorporates all of the skills required of a nurse's assistant or of a home health aide~~ program satisfies the standards for certification. The department may, following a hearing, suspend or revoke the certification of a an instructional and competency evaluation program if the curriculum program does not ~~incorporate all of~~

~~the skills required of a nurse's assistant or of a home health aide~~ satisfy the standards for certification.

SECTION 2397. 146.40 (3m) of the statutes is created to read:

146.40 (3m) The department shall review competency evaluation programs for nurse's assistants and for home health aides and may approve those competency evaluation programs that satisfy standards for approval that are specified in rules of the department. The department may, following a hearing, suspend or revoke approval of a competency evaluation program if the competency evaluation program fails to satisfy the standards.

SECTION 2398. 146.40 (4) of the statutes is amended to read:

146.40 (4) ~~By March 1, 1991, and every March 1 thereafter, a certified~~ An instructional and competency evaluation program for nurse's assistants and a certified instructional certified under sub. (3) or a competency evaluation program for home health aides approved under sub. (3m) shall notify the department in writing of the number of persons who have, on a form provided by the department, within 30 days after an individual has successfully completed instruction during the previous calendar year the program.

~~SECTION 2398m. 146.40 (4c) of the statutes is created to read:~~

~~146.40 (4c) Beginning on July 1, 1990, no registered nurse who is the primary instructor of an instructional and competency evaluation program under sub. (3) or of a competency evaluation program under sub. (3m) may provide instruction under the program unless he or she has first, from a program offered by a post-secondary educational institution, successfully completed instruction to provide this training. This requirement does not apply to a registered nurse who as a primary instructor was providing instruction before July 1, 1990, or who has received a waiver from the department for this requirement.~~

SECTION 2399. 146.40 (4g) of the statutes is created to read:

146.40 (4g) (a) The department shall establish and maintain a registry that contains all of the following:

1. A listing of all individuals about whom the department is notified under sub. (4).

2. A listing of all individuals about whom the department is notified under sub. (4r) (a), for whom the department makes findings under sub. (4r) (b) and to whom any of the following applies:

a. The individual waives a hearing or fails to notify the department under sub. (4r) (c).

b. A hearing officer finds reasonable cause to believe that the individual performed an action alleged under sub. (4r) (a).

3. Findings of the department under sub. (4r) (b) or of the hearing officer under sub. (4r) (d) concerning

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in Part

the neglect, abuse or misappropriation of property by an individual listed under subd. 2.

4. A brief statement, if any, of an individual about whom the department is notified under sub. (4) and who disputes the department's findings under sub. (4r) (b) or the hearing officer's findings under sub. (4r) (d).

(b) The department shall provide, upon receipt of a specific, written request, information requested that is contained in the registry under par. (a).

(c) Section 46.90 does not apply to this subsection.

SECTION 2400. 146.40 (4r) of the statutes is created to read:

146.40 (4r) (a) Any individual may report to the department that he or she believes that a nurse's assistant has neglected, abused or misappropriated the property of a nursing home resident or a hospital patient or that a home health aide has neglected, abused or misappropriated the property of a home health agency patient.

(b) The department shall review and investigate any report received under par. (a) and, if the allegation is substantiated, make specific, documented findings concerning the neglect, abuse or misappropriation of property. The department shall in writing by certified mail notify the nurse's assistant or home health aide specified in the report that his or her name and the department's findings about him or her shall be listed in the registry under sub. (4g) (a) 2 and 3 unless he or she contests the listings in a hearing before the department. The written notification shall describe the investigation conducted by the department, enumerate the findings alleging neglect, abuse or misappropriation of property of a nursing home resident or home health agency patient and explain the consequence to the nurse's assistant or home health aide of waiving a hearing to contest the findings. The nurse's assistant or home health aide named in the report shall have 30 days after receipt of the notification to indicate to the department in writing whether he or she intends to contest the listing or to waive the hearing.

(c) If the nurse's assistant or home health aide under par. (b) notifies the department that he or she waives a hearing to contest the listings in the registry under par. (b), or fails to notify the department within 30 days after receipt of a notice under par. (b), the department shall enter the name of the individual under sub. (4g) (a) 2 and the department's findings about the individual under sub. (4g) (a) 3.

(d) If the nurse's assistant or home health aide under par. (b) timely notifies the department that he or she contests the listings in the registry under par. (b), the department shall hold a hearing under the requirements of ch. 227. If after presentation of evidence a hearing officer finds that there is no reasonable cause to believe that the nurse's assistant or home health aide performed an action alleged under par. (a), the hearing officer shall dismiss the proceeding. If after presentation of evidence a hearing officer finds that there is reasonable cause to believe that the

nurse's assistant or home health aide performed an action alleged under par. (a), the hearing officer shall so find and shall cause the name of the nurse's assistant or home health aide to be entered under sub. (4g) (a) 2 and the hearing officer's findings about the nurse's assistant or home health aide to be entered under sub. (4g) (a) 3.

(e) The nurse's assistant or home health aide may provide the department with a brief statement disputing the department's findings under par. (b) or the hearing officer's findings under par. (d) and, if so provided, the department shall enter the statement under sub. (4g) (a) 4.

(f) Section 46.90 does not apply to this subsection.

SECTION 2401. 146.40 (5) (a) of the statutes is amended to read:

146.40 (5) (a) The department, in consultation with the board of vocational, technical and adult education, shall promulgate rules specifying standards for certification in this state of instructional and competency evaluation programs for nurse's assistants and for home health aides. The standards shall include specialized training in providing care to persons individuals with special needs. The department shall promulgate rules regarding this specialized training in consultation with a private nonprofit organization awarded a grant under s. 46.855.

SECTION 2402. 146.40 (5) (b) (intro.) of the statutes is amended to read:

146.40 (5) (b) (intro.) The department shall promulgate rules specifying states that are included under sub. (2) (d). A state may be specified in the rule only if the state grants nurse's assistant privileges or home health aide privileges to persons who have completed instruction in a an instructional and competency evaluation program that is certified ~~by the department~~ under sub. (3) and if one of the following is true:

SECTION 2403. 146.40 (5) (b) 1 of the statutes is amended to read:

146.40 (5) (b) 1. If the other state certifies instructional and competency evaluation programs for nurse's assistants or for home health aides, the state's requirements are substantially similar, as determined by the department, to certification requirements in this state.

SECTION 2404. 146.40 (5) (b) 2 of the statutes is repealed and recreated to read:

146.40 (5) (b) 2. If the other state certifies nurse's assistants or home health aides, that state's requirements are such that one of the following applies:

a. The instructional and competency evaluation programs required for attendance by persons receiving certificates are substantially similar, as determined by the department, to instructional and competency evaluation programs certified under sub. (3).

b. The competency evaluation programs required for successful completion by persons receiving certificates are substantially similar, as determined by the

department, to competency evaluation programs approved under sub. (3m).

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~~SECTION 2405m. 146.40 (7) of the statutes is created to read:~~

~~146.40 (7). The department shall, after September 1, 1989, contract with the department of regulation and licensing to perform all of the duties and to confer all of the powers of the department under subs. (4g) and (4r).~~

SECTION 2406. 146.50 (8) of the statutes is repealed.

SECTION 2407. 146.50 (9) of the statutes is amended to read:

146.50 (9) TRAINING. (a) The department may arrange for or approve courses of instructional programs within or without this state as sufficient to meet the education and training requirements of this section and shall make the courses available to the residents of this state ~~and to persons holding a provisional license. The courses shall be free of charge to any person who holds an ambulance attendant license, an ambulance service provider license or a provisional license and who is or a temporary permit, or who will hold a temporary permit upon completion of a portion of the course as defined by the department by rule, if the person is or will be employed by a county, city, village or town. If the department determines that an area or community need exists, the courses shall be offered at vocational, technical and adult education schools in such area or community. Initial priority shall be given to the training of ambulance attendants serving the rural areas of the state. If a licensed ambulance attendant completes a course approved by the department on treatment of anaphylactic shock, the ambulance attendant acts within the scope of the license if he or she performs injections or other treatment for anaphylactic shock under the direction of a physician.~~

(b) The department shall by rule establish a system of ~~training and~~ temporary permits, to be issued, at a reasonable fee, but no fee may be charged to persons working for volunteer or paid-on-call ambulance service providers or to municipal or county employees. All temporary permit applications shall be signed by licensed ambulance service providers. Persons holding temporary permits shall work only with licensed ambulance attendants.

SECTION 2407m. 146.62 of the statutes is created to read:

146.62 Rural hospital loan program. (1) DEFINITION. In this section:

(a) "Hospital" has the meaning given under s. 50.33 (2).

(b) "Rural" means outside a metropolitan statistical area, as specified under 42 CFR 412.62 (ii) (A).

(2) DISTRIBUTION OF LOANS. From the appropriation under s. 20.435 (1) (dr) the department shall establish and fund initial loans from, and from the

appropriation under s. 20.435 (1) (gr) the department shall continue, with loan repayments, a fund to make loans to applying nonprofit rural hospitals with fewer than 100 beds, including a cooperative organized under ch. 185 that consists of one or more rural hospitals, to assist the rural hospitals in altering services to meet the changing medical needs of their patient service areas. A rural hospital may use a loan granted under this subsection for a purpose that includes any of the following:

(a) Professional services for planning and feasibility studies, including market studies, business and financial plans, financial packaging and other activities related to the early planning stages of project.

(b) Development of cooperative ventures to share personnel or services.

(c) Diversification projects.

(d) Professional services related to the implementation of a project, including market assistance, financial services, engineering studies, design assistance and architectural services.

(e) Management efficiency analysis.

(3) LOAN LIMITATIONS. A loan made under sub. (2) may be for no more than 2 years and may not exceed \$50,000 per year, except that loans to 2 or more hospitals for a single multihospital project may exceed \$50,000 per year in the aggregate but are limited to \$50,000 per year for each hospital of the multihospital project. At least one-third of the total loans made under sub. (2) in each state fiscal year shall be made to hospitals that are part of cooperative ventures involving 2 or more hospitals.

(4) DEPARTMENTAL DUTIES. The department shall administer the loan program under this section, as follows:

(a) Solicit and review loan applications and approve those loan applications that the department determines best meet the criteria specified under par. (b).

(b) Use all of the following criteria to determine the need for a loan and the loan amount:

1. The degree to which the proposed project will strengthen the financial, managerial or service delivery capability of the rural hospital.

2. The degree to which the proposed project uses innovative approaches to address defined community health or social service needs.

3. The degree to which the proposed project will improve or provide access to quality care in rural community or communities.

4. The degree of coordination that can be expected with other local or regional health or social services providers or local units of government.

5. The likelihood of success of the proposed project, as evidenced by a clear management plan and a statement of achievable goals in the application.

6. The ability of the rural hospital to carry out the proposed project with its own resources.

(c) Determine the interest rate, which shall be below the prevailing market interest rate, to be charged for each loan made.

(d) Negotiate with each recipient of a loan the schedule of repayments and collect the loan repayments as they are due. Except as provided in sub. (5), repayment for each loan shall begin no later than 12 months after the project funded under the loan begins operation.

(5) LOAN FORGIVENESS. If a rural hospital that receives a loan under this section is unable to undertake the proposed project, the rural hospital may submit to the department a final report concerning the feasibility of loan repayment. The department shall review the report and may forgive all or part of the loan.

SECTION 2407mg. 146.70 (1) (f) of the statutes is amended to read:

146.70 (1) (f) "Public agency" means any municipality as defined in s. 345.05 (1) (c) or any state agency which provides or is authorized by statute to provide fire fighting, law enforcement, ambulance, medical or other emergency services.

SECTION 2407mi. 146.70 (2) (a) of the statutes is amended to read:

146.70 (2) (a) Every public agency, ~~except a state agency,~~ may establish and maintain within its respective jurisdiction a basic or sophisticated system under this section. Such a system shall be in a central location.

SECTION 2407mk. 146.70 (3) (a) 4 of the statutes is amended to read:

146.70 (3) (a) 4. "Service user" means any person, ~~except the state,~~ who is provided telephone service by a service supplier which includes access to a basic or sophisticated system.

SECTION 2407p. 146.81 (1) of the statutes is amended to read:

146.81 (1) "Health care provider" means a nurse licensed under ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician, podiatrist or physical therapist licensed or an occupational therapist or occupational therapy assistant certified under ch. 448, an optometrist licensed under ch. 449, an acupuncturist certified under ch. 451, 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 employees in its own facility, or an inpatient health care facility or community-based residential facility, as defined in s. 140.85 (1) or 140.86.

SECTION 2407r. 146.82 (2) (a) 9 of the statutes is amended to read:

146.82 (2) (a) 9. To staff members of the protection and advocacy agency designated under s. 51.62 (2) or to staff members of the private, nonprofit corporation with which the agency has contracted under s. 51.62

(3) (a) 3, if any, for the purpose of protecting and advocating the rights of a person with development disabilities, as defined under s. 51.62 (1) (a), who resides in or who is receiving services from an inpatient health care facility, as defined under s. 51.62 (1) (b), or a person with mental illness, as defined under s. 51.62 (1) (bm), except that, if the patient has a guardian appointed under s. 880.33, information concerning the patient obtainable by staff members of the agency or nonprofit corporation with which the agency has contracted is limited to the nature of an alleged rights violation, if any, name, birth date and county of residence of the patient, information regarding whether the patient was voluntarily admitted, involuntarily committed or protectively placed and the date and place of admission, placement or commitment, and the name and address and telephone number of any guardian of the patient and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's guardian in writing of the request and of the guardian's right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within 15 days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within 15 days after the notice is mailed, the staff member may not obtain the additional information.

SECTION 2408. 146.82 (2) (a) 14 of the statutes is created to read:

146.82 (2) (a) 14. To a representative of the board on aging and long-term care, in accordance with s. 49.498 (5) (e).

~~SECTION 2410b. 146.89 of the statutes is created to read:~~

~~146.89 Volunteer health care provider program. (1) In this section, "volunteer health care provider" means an individual licensed as a physician under ch. 448, dentist under ch. 447, registered nurse under ch. 441 or optometrist under ch. 449 who receives no income from the practice of that health care profession.~~

~~(2) (a) A volunteer health care provider may participate under this section only if he or she submits a joint application with a nonprofit agency to the department of administration and that department approves the application. The department of administration shall provide application forms for use under this paragraph.~~

~~(b) The department of administration may send an application to the medical examining board for evaluation. The medical examining board shall evaluate any application submitted by the department of administration and return the application to the department of administration with the board's recommendation regarding approval.~~

~~(c) The department of administration shall notify the volunteer health care provider and the nonprofit~~

Vetoed
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agency of the department's decision to approve or disapprove the application.

(3) Any volunteer health care provider and non-profit agency whose joint application is approved under sub. (2) shall meet the following applicable conditions:

(a) The volunteer health care provider shall provide the services under par. (b) without charge in Brown or Racine county at that nonprofit agency.

(b) The volunteer health care provider may provide only the following services:

1. Diagnostic tests.
2. Health education.
3. Information about available health care resources.
4. Office visits.
5. Patient advocacy.
6. Prescriptions.
7. Referrals to health care specialists.

(c) The volunteer health care provider may not provide emergency medical services, hospitalization or surgery.

(d) The nonprofit agency shall provide health care services primarily to low-income persons who are uninsured and who are not recipients of any of the following:

1. General relief under s. 49.02.
2. Medical assistance under ss. 49.45 to 49.47.
3. Medicare under 42 USC 1395-1395ccc.
4. Relief to needy Indian persons under s. 49.046.

(4) Volunteer health care providers who provide services under this section are state agents of the department of health and social services for purposes of ss. 165.25 (6), 893.82 (3) and 895.46.

SECTION 2410c. 146.93 (1) (a) of the statutes is amended to read:

Vetoed
in Part

146.93 (1) (a) ~~The~~ From the appropriations under s. 20.435 (1) (fr) and (gp), the department shall maintain a program for the provision of primary health care services based on the primary health care program in existence on June 30, 1987. The department may promulgate rules necessary to implement the program.

Vetoed
in Part

SECTION 2410g. 146.93 (4) (a) of the statutes is repeated.

Vetoed
in Part

SECTION 2410h. 146.94 of the statutes is created to read:

146.94 Family health care benefits counseling. (1) From the appropriation under s. 20.435 (1) (fg), the department shall allocate \$21,000 in state fiscal year 1989-90 in Polk, Barron, Milwaukee and Dane counties and shall allocate \$152,000 in state fiscal year 1990-91 to provide grants to applying, qualified entities in Milwaukee, Dane, Sawyer, Rusk, Burnett, Washburn, Polk and Barron counties, to fund family health benefits counseling services. Funds shall be awarded on a competitive basis, with priority given to

entities that had previously received financial support for family health benefits counseling services from the federal public health service or from private sources.

Vetoed
in Part

(2) From the appropriation under s. 20.435 (1) (fg), the department shall allocate \$4,000 in state fiscal year 1989-90 and \$26,000 in state fiscal year 1990-91 to contract for the administration of the grants awarded under sub. (1), including training, legal assistance services and support costs.

(3) Services that shall be provided under a grant awarded under sub. (1) shall include all of the following:

(a) Information on sources of funding for medical, dental or optometric care.

(b) Counseling on health insurance coverage or health maintenance organizations.

(c) Aid in obtaining medical assistance and receiving all medical assistance benefits.

(d) Advice with respect to high medical expenses or large bills.

(e) Financial planning for future anticipated medical expenses.

(f) Assistance in filing complaints and appeals of denials or termination of health care coverage.

(g) Referral to legal services programs or legal assistance when there is no other legal representation available.

(4) Individuals who are eligible for family health benefits counseling services under a grant awarded under sub. (1) include all of the following:

(a) Families that are unable to obtain or afford health care and in which there are children up to 21 years of age.

(b) Families with children who have chronic illnesses or disabilities.

(c) Families who are or may be eligible to receive public health care benefits.

(d) Adult children with disabilities that make them dependent on parents.

(e) Pregnant women who are unable to afford prenatal care.

SECTION 2410j. 146.95 of the statutes is created to read:

Vetoed
in Part

146.95 Preventive health screening for children. (1) From the appropriation under s. 20.435 (1) (fr), the department shall allocate \$20,000 in state fiscal year 1989-90 and \$20,000 in state fiscal year 1990-91 to provide grants to applying, qualified entities to fund preventive health screening for children in Polk county in this state. Funds shall be awarded on a competitive basis, with priority given to entities that had previously received financial support for preventive health screening for children from the federal public health service or from private sources.

(2) Services that shall be provided under a grant awarded under sub. (1) shall be a health screening program for a child that shall include all of the following:

Vetoed
in Part

- (a) A complete physical examination.
- (b) A growth and development test.
- (c) A dental check.
- (d) Standard blood and urine tests.
- (e) A nutrition assessment.
- (f) Standard immunizations.
- (g) Vision and hearing tests.
- (h) Health counseling.
- (3) Individuals who are eligible for preventive health screening for children under a grant awarded under sub. (1) include children up to 21 years of age in families that:
 - (a) Are ineligible for medical assistance;
 - (b) Have no health insurance coverage for preventive health care, dental checks, fluoride treatment or vision checks; and
 - (c) Are unable to afford preventive health care.

SECTION 2410m. 146.99 of the statutes is amended to read:

146.99 Assessments. The department shall, within 90 days after the commencement of each fiscal year, estimate the total amount of expenditures and the department shall assess the estimated total amounts under s. 20.435 (1) (gp) and (gq) to hospitals, as defined in s. 50.33 (2), in proportion to each hospital's respective gross private-pay patient revenues during the hospital's most recently concluded entire fiscal year. Each hospital shall pay its assessment on or before December 1 for the fiscal year. All payments of assessments shall be deposited in the appropriation appropriations under s. 20.435 (1) (gp) and (gq).

Vetoed
in Part

SECTION 2410p. 147.015 (8m) of the statutes is created to read:

147.015 (8m) "Notice of discharge" means a notice provided by the department, upon a determination that the discharge of significant amounts of pollutants to waters of the state is occurring or has occurred, setting forth the nature of the discharge, suggested corrective measures and a period for implementing the corrective measures.

SECTION 2410s. 147.033 (1) of the statutes is amended to read:

147.033 (1) **GROUNDWATER FEE.** The holder of a permit under s. 147.02 shall pay \$100 to the department as a groundwater fee on January 1 if the permittee discharges effluent on land or if the permittee produces sludge from a treatment work which is disposed of on land. If the permittee discharges effluent on land and disposes of sludge from a treatment work on land, the permittee shall pay \$200 to the department as a groundwater fee on January 1. The moneys collected under this subsection shall be credited to the groundwater environmental fund for groundwater management.

Vetoed
in Part

SECTION 2410n. 147.17 of the statutes is created to read:

147.17 **Time for compliance; animal feeding operations.** Any notice of discharge issued by the depart-

ment under this chapter to an owner or operator of an animal feeding operation shall provide not less than 2 years for the implementation of corrective measures, if the estimated cost of such measures exceeds \$5,000. The time for implementation shall be measured from the date on which the department first provides the owner or operator with suggestions for corrective measures.

Vetoed
in Part

SECTION 2411. 149.04 (4) (a) of the statutes is amended to read:

149.04 (4) (a) Care of patients transferred to facilities approved under s. 149.03 from state institutions or from state penal institutions pursuant to s. 57.115 304.115.

SECTION 2412. 149.04 (6) of the statutes is amended to read:

149.04 (6) Patients currently receiving tuberculosis care without charge in a sanatorium shall continue to receive such care without charge. If such a patient is eligible to receive medical assistance described in s. 49.45, 49.46, 49.468 or 49.47, or Title XVIII of the social security act or private health insurance, the department shall proceed to recover part of cost of care from these sources. The balance of the cost of care shall be charged against the state.

SECTION 2412c. 150.27 of the statutes is amended to read:

150.27 Limitation on per diem rates. The ~~Unless the medical assistance facility payment formula under s. 49.45 (6m) generates per diem rates that are greater than those stated in an application being reviewed under this subchapter, the per diem rates stated in an the application being reviewed under this subchapter are the maximum allowable reimbursement that may be granted by the department for the first full year following licensure of the new beds or completion of the approved project. If the medical assistance facility payment formula under s. 49.45 (6m) generates per diem rates that are less than those stated in the application under review, the department shall use the lower rates.~~

Vetoed
in Part

SECTION 2412cm. Chapter 151 (title) of the statutes is amended to read:

CHAPTER 151

LEAD POISONING PREVENTION OF LEAD POISONING AND LEAD EXPOSURE

SECTION 2412d. 151.01 (2m) of the statutes is created to read:

151.01 (2m) "Hematofluorometer" means an instrument used in identification of minute amounts of a substance in human blood by detection and measurement of the characteristic wavelength of the light emitted by the substance during fluorescence.

SECTION 2412i. 151.01 (4) of the statutes is amended to read:

151.01 (4) "Lead poisoning or lead exposure" means a level of lead in the blood beyond 25 micrograms per 100 milliliters of blood, or the correspond-

- 547 -

ing erythrocyte protoporphyrin level as determined by the department by rule.

SECTION 2412k. 151.05 of the statutes is amended to read:

151.05 (title) Reports of lead poisoning or lead exposure. Every physician who diagnoses lead poisoning or lead exposure, 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 or lead exposure, 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.

SECTION 2412m. 151.07 (title), (1) and (4) of the statutes are amended to read:

151.07 (title) Departmental response to reports of lead poisoning or lead exposure. (1) The department may, after being notified that an occupant of a dwelling has blood lead poisoning or lead exposure, 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 or lead exposure. The warrant shall advise the owner or occupant of the scope of the inspection.

(4) The department shall give priority to eliminating lead poisoning or lead exposure hazards from residential dwellings in which children with diagnosed lead poisoning or lead exposure from lead-bearing paint poisoning reside.

SECTION 2412p. 151.09 (3) to (6) of the statutes are amended to read:

151.09 (3) Develop or encourage the development of appropriate programs and studies to identify sources of lead poisoning or lead exposure, and assist other entities in the identification of lead in children's blood and of the sources of the lead poisoning or lead exposure.

(4) Provide technical assistance and consultation to local, county or regional governmental or private agencies to promote and develop lead poisoning or lead exposure prevention programs that afford opportunities for employing residents of communities and neighborhoods affected by lead poisoning or lead exposure from 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 or lead exposure.

(6) Develop educational programs to communicate to parents, educators and officials of local boards of health the health danger of lead poisoning or lead exposure from lead-bearing paint poisoning among children.

SECTION 2412r. 151.09 (7) of the statutes is renumbered 151.12 (1) and amended to read:

151.12 (1) Notwithstanding s. 151.01 (4), whenever the center for disease control of the federal department of health and human services specifies a standard for the determination of lead poisoning that differs from that specified in s. 151.01 (4), promulgate rules defining "lead poisoning or lead exposure" to correspond to the specification of the center for disease control. Rules promulgated under this subsection shall supersede s. 151.01 (4) with respect to the requirements of this chapter.

SECTION 2412t. 151.09 (7) of the statutes is created to read:

151.09 (7) From the appropriation under s. 20.435 (1) (ef):

(a) Provide \$49,500 for the purchase of 11 hematofluorometers in state fiscal year 1989-90, for the purpose of detecting lead poisoning or lead exposure, for use at the locations for provision of supplemental food, nutrition education and other services under s. 146.185 in the 8 cities in this state in which reside the highest numbers of children aged 6 years or less who live in housing constructed before 1950.

(b) Provide \$74,700 for the purchase of 9 X-ray fluorescence instruments in state fiscal year 1989-90, for the detection of lead on painted surfaces and \$110,000 in state fiscal year 1989-90 and \$220,000 in state fiscal year 1990-91 for the purpose of testing houses that are suspected of containing lead-bearing paint, to county or city-county health departments or city boards of health under ch. 140 or 141 in the 8 cities in this state in which reside the highest numbers of children aged 6 years or less who live in housing constructed before 1950.

(c) Allocate \$125,000 in state fiscal year 1989-90 and \$250,000 in state fiscal year 1990-91 to fund the removal of lead-bearing paint from houses.

SECTION 2412v. 151.11 of the statutes is amended to read:

Vetoed
in Part

Vetoed
in Part

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 or lead exposure 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.

Vetoed
in Part

SECTION 2412x. 151.12 (intro.) and (2) of the statutes are created to read:

151.12 Rule making. (intro.) The department shall promulgate all of the following rules:

Vetoed
in Part

(2) Establishing criteria for allocating the funding under s. 151.09 (7) (c) for removal of lead-bearing paint, establishing cost sharing requirements for recipients of the funding and specifying approved techniques for the funded removal of lead-bearing paint.

SECTION 2413. 157.02 (1) of the statutes is amended to read:

157.02 (1) NOTICE TO RELATIVES. When an inmate of any state, county or municipal institution dies, the superintendent or other person in charge of the institution shall immediately notify a relative of the decedent. A public officer having the possession or the disposition of a corpse shall immediately notify a relative of the decedent. If no relative is known, or discoverable by use of ordinary diligence, notice may be dispensed with. In addition, if the deceased had been an inmate of a state correctional institution, the department of corrections shall provide written notification to the relative informing him or her that the department of corrections, upon request, will provide a copy of any autopsy report or other report or information pertaining to the death. The department of corrections shall describe how the request may be made and shall promptly comply with any such request.

SECTION 2413g. 157.062 (8) of the statutes is created to read:

157.062 (8) LIMITED LIABILITY OF TRUSTEES AND OFFICERS. (a) Except as provided in pars. (b) to (d), a trustee or officer of a cemetery association organized under this section is not liable to the association, its members or creditors, or any person asserting rights on behalf of the association, its members or creditors, or any other person, for damages, settlements, fees, fines, penalties or other monetary liabilities arising from a breach of, or failure to perform, any duty resulting solely from his or her status as a trustee or officer, unless the person asserting liability proves that the breach or failure to perform constitutes any of the following:

1. A wilful failure to deal fairly with the association or its members in connection with a matter in which the trustee or officer has a material conflict of interest.

2. A violation of criminal law, unless the trustee or officer had reasonable cause to believe his or her conduct was lawful or no reasonable cause to believe his or her conduct was unlawful.

3. A transaction from which the trustee or officer derived an improper personal profit.

4. Wilful misconduct.

(b) Except as provided in par. (c), this subsection does not apply to any of the following:

1. A civil or criminal proceeding brought by or on behalf of any governmental unit, authority or agency.

2. A proceeding brought by any person for a violation of state or federal law where the proceeding is brought pursuant to an express private right of action created by state or federal statute.

3. The liability of a trustee or officer arising from a breach of, or failure to perform, any duty relating to the receipt, handling, investment or other use of perpetual care or maintenance funds under s. 157.11 (9) or 157.12 (3) or any other funds made in trust.

4. The liability of a trustee or officer under s. 157.12 (4).

(c) Paragraph (b) 1 and 2 does not apply to a proceeding brought by a governmental unit, authority or agency in its capacity as a private party or contractor.

(d) This subsection does not apply to a cemetery association organized under this section if any part of the association's income is distributable among its members, trustees or officers.

SECTION 2413m. 157.70 (1m) of the statutes is created to read:

157.70 (1m) APPLICABILITY. This section does not apply to the disturbance of cataloged land contiguous to a cataloged burial site if the cataloged burial site was recorded under sub. (2) (i) before the effective date of this subsection [revisor inserts date].

SECTION 2414b. 157.70 (2) (a) of the statutes is amended to read:

157.70 (2) (a) Under a special inspection warrant as required under s. 66.122, identify and record in a catalog burial sites in this state, together with sufficient contiguous land necessary to protect the burial site from disturbance, and notify in writing every owner of a burial site or of such land so recorded and any county or local historical society in the county where the burial site or the land is located. Any information in the catalog related to the location of any burial site, the disclosure of which would be likely to result in the disturbance of the burial site or the cataloged land contiguous to the burial site, is not subject to s. 19.35

(1). The notice shall include information about the permit required under sub. (5) and the toll free number the owner may call for more information. In this paragraph, "sufficient contiguous land" means land that is within at least 25 feet from any part of a burial site.

Vetoed
in Part

SECTION 2414e. 157.70 (2) (b) of the statutes is amended to read:

157.70 (2) (b) Identify and record in a catalog burial sites likely to be of archaeological interest or areas likely to contain burial sites. Any information in the catalog related to the location of any burial site likely to be of archaeological interest or of any area likely to contain a burial site, the disclosure of which would be likely to result in the disturbance of the burial site or the cataloged land contiguous to a cataloged burial site, is not subject to s. 19.35 (1).

SECTION 2414h. 157.70 (2r) of the statutes is amended to read:

157.70 (2r) SITE DISTURBANCE PROHIBITED. Except as provided under subs. (4) and (5), no person may intentionally cause or permit the disturbance of a burial site or cataloged land contiguous to a cataloged burial site. This subsection does not prohibit normal agricultural or silvicultural practices which do not disturb the human remains in a burial site or the surface characteristics of a burial site.

SECTION 2414j. 157.70 (3) (a) of the statutes is amended to read:

157.70 (3) (a) Except as provided under s. 979.01, a person shall immediately notify the director if the person knows or has reasonable grounds to believe that a burial site or the cataloged land contiguous to a cataloged burial site is being disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

SECTION 2414L. 157.70 (5) (a), (b) and (c) 1 and 1m. (intro.) of the statutes are amended to read:

157.70 (5) (a) No person may intentionally cause or permit the disturbance of a cataloged burial site or the cataloged land contiguous to a cataloged burial site without a permit from the director issued under this subsection.

(b) Any person who intends to cause or permit any activity on a cataloged burial site or on cataloged land contiguous to a cataloged burial site which in any way might disturb the burial site or the land shall:

1. Apply to the director for a permit to disturb the burial site or the land. The application shall include the purpose of the disturbance and the names and addresses of any persons notified under subd. 2. The director shall send the applicant the names of any person in the registry with an interest in the burial site.

2. On a form provided by the director, notify any person whose name the director has sent under subd. 1 of the proposed disturbance. The notice to any person under this subdivision shall include information on the notified person's right to a hearing on whether the director should grant a permit to disturb the burial site or the land.

(c) 1. Upon request of the applicant or any person notified under par. (b), or if the director determines that a hearing is necessary, the director shall request the division of hearings and appeals in the department of administration to conduct a hearing on whether a

permit should be issued to disturb the burial site or the land which is the subject of the request. If in any part of the hearing the location of a burial site is the subject of the testimony, such part of the hearing shall be conducted in a session closed to the public and the record of such part of the hearing shall be exempt from disclosure under s. 19.35 (1).

1m. (intro.) If a hearing is not requested or determined to be necessary under subd. 1, the director shall determine whether a permit should be issued to disturb the burial site or the land which is the subject of the application under par. (b) 1. If the director determines that the benefits to the permit applicant in disturbing the burial site or the land outweigh the benefits to all other persons shown on the registry under sub. (2) (e) to have an interest in not disturbing the burial site or the land, the director shall grant a permit to disturb the burial site or the land. In making the determination, the director shall consider the interest of the public in addition to any other interests. If the director determines that any of the following classes of interest are represented, the director shall weight the interests in the following order of priority:

SECTION 2414n. 157.70 (5) (c) 1m. cm of the statutes is created to read:

157.70 (5) (c) 1m. cm. Historical and aesthetic significance of the burial site.

SECTION 2414r. 157.70 (5) (c) 2. (intro.) of the statutes is amended to read:

157.70 (5) (c) 2. (intro.) If a hearing is requested or determined to be necessary under subd. 1, the division of hearings and appeals in the department of administration shall conduct a hearing to determine whether the benefits to the permit applicant in disturbing the burial site or the land outweigh the benefits to all other persons shown on the registry under sub. (2) (e) to have an interest in not disturbing the burial site or the land. If the division finds in favor of the applicant, the division shall issue a determination in favor of granting a permit to disturb a burial site or the land which is the subject of the hearing under this paragraph. In making the determination, the division shall consider the interest of the public in addition to the interests of the parties. If any of the following classes of interest are represented in the hearing, the division shall weight the interests in the following order of priority:

SECTION 2414u. 157.70 (5) (c) 2. cm of the statutes is created to read:

157.70 (5) (c) 2. cm. Historical and aesthetic significance of the burial site.

SECTION 2414y. 157.70 (5) (c) 4 of the statutes is amended to read:

157.70 (5) (c) 4. A permit issued under this subsection may be subject to any condition or exemption deemed necessary to limit the disturbance of a burial site or the land or to minimize any other burden on any person affected by granting the permit.

SECTION 2415. 157.70 (5) (d) of the statutes is renumbered 157.70 (5) (d) 1.

SECTION 2416. 157.70 (5) (d) 2 of the statutes is created to read:

157.70 (5) (d) 2. The director may charge a fee to recover costs incurred by the historical society to analyze and reinter or otherwise dispose of human remains and other material under par. (c) 2m.

SECTION 2417e. 157.70 (8) of the statutes is renumbered 157.70 (8) (a) and amended to read:

157.70 (8) (a) Any person who intentionally disturbs, without the authorization of the director under sub. (4) (c) 2 or (d), a burial site which is not cataloged or who intentionally disturbs, without a permit issued under sub. (5), a cataloged burial site or the cataloged land contiguous to a cataloged burial site is liable for attorney fees and damages or other appropriate relief to any person with an interest in preserving the burial site or in reintering the human remains and objects related to the burial in the burial site. Any person with an interest in preserving a burial site or in reintering the human remains in the burial site may bring an action for an injunction to prevent disturbance to the burial site or the cataloged land contiguous to a cataloged burial site or to obtain the human remains and objects related to the burial in the burial site for appropriate reinterment, in the order of priority specified in sub. (6) (a).

SECTION 2417m. 157.70 (8) (b) of the statutes is created to read:

Vetoed
in Part

157.70 (8) (b) The director may order any person who owns a structure that is disturbing a cataloged burial site, or the cataloged land contiguous to a cataloged burial site, to remove the structure and restore the burial site or land to its previous condition. If the owner requests a hearing, the division of hearings and appeals in the department of administration shall conduct a hearing to determine whether the order should be affirmed. Any party to the hearing may appeal the determination to the board.

SECTION 2417s. 157.70 (10) (a) to (d) of the statutes are amended to read:

157.70 (10) (a) Any person who fails to report the disturbance of a burial site or the cataloged land contiguous to a cataloged burial site as required under sub. (3) shall forfeit not less than \$100 nor more than \$500 \$1,000.

(b) Any person who intentionally disturbs a burial site which is not cataloged without the authorization of the director under sub. (4) (c) 2 or (d) shall forfeit not less than \$500 nor more than \$1,000 \$2,000.

(c) Any owner who intentionally causes or permits any activity which disturbs a burial site after receiving notice from the director under sub. (4) (a) without the authorization required under sub. (4) (c) 2 or (d) shall forfeit not less than \$1,000 nor more than \$5,000 \$10,000.

(d) Any person who intentionally causes or permits any activity which disturbs a cataloged burial site or the cataloged land contiguous to a cataloged burial site without a permit issued under sub. (5) shall forfeit not less than \$1,000 nor more than \$5,000 \$10,000.

SECTION 2418. 160.50 (1m) of the statutes is created to read:

160.50 (1m) FUNDING FOR GROUNDWATER RESEARCH. The groundwater coordinating council shall advise the secretary of administration on the allocation of funds appropriated to the board of regents of the university of Wisconsin system under s. 20.285 (1) (a) for groundwater research.

SECTION 2418g. 161.01 (19) (a) of the statutes is amended to read:

161.01 (19) (a) A physician, dentist, veterinarian, podiatrist, optometrist, scientific investigator or other person licensed, registered, certified or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

SECTION 2418m. 161.01 (22) of the statutes is created to read:

161.01 (22) "Youth center" means any center that provides, on a regular basis, recreational, vocational, academic or social services activities for persons younger than 21 years old or for those persons and their families.

SECTION 2418r. 161.39 of the statutes is created to read:

161.39 Limitations on optometrists. An optometrist who is certified under s. 449.18:

(1) May not prescribe or administer a controlled substance included in schedule I or II.

(2) May prescribe or administer only those controlled substances included in schedules III, IV and V that are permitted for prescription or administration under the rules promulgated by the optometry examining board under s. 449.18 (8).

Vetoed
in Part

(3) Shall include with each prescription order all of the following:

(a) A statement that he or she is certified under s. 449.18.

(b) The indicated use of the controlled substance classified in schedule III, IV or V so prescribed.

(4) May not dispense other than by prescribing or administering.

SECTION 2419. 161.41 (1r) of the statutes is amended to read:

161.41 (1r) In determining amounts under subs. (1) and (1m) and s. 161.49 (2) (b), an amount includes the weight of the controlled substance included under s. 161.16 (2) (b), heroin, phencyclidine, lysergic acid diethylamide, psilocin, psilocybin, amphetamine, methamphetamine or tetrahydrocannabinols together with any compound, mixture, diluent or other substance mixed or combined with the controlled sub-

stance. In addition, in determining amounts under subs. (1) (h) and (1m) (h), the amount of tetrahydrocannabinols means anything covered under ~~under~~ s. 161.14 (4) (t).

SECTION 2420. 161.41 (5) (c) of the statutes is amended to read:

161.41 (5) (c) All moneys collected from drug surcharges shall be deposited by the state treasurer in and utilized in accordance with s. 20.435 (4) (6) (gb).

SECTION 2421. 161.49 (title) of the statutes is amended to read:

161.49 (title). Distribution of or possession with intent to deliver a controlled substance on or near certain places.

SECTION 2422. 161.49 of the statutes is renumbered 161.49 (1) and amended to read:

161.49 (1) If any person violates s. 161.41 (1) (c), (d), (e), (f), (g) or (h) by distributing, or violates s. 161.41 (1m) (c), (d), (e), (f), (g) or (h) by possessing with intent to deliver, a controlled substance included under s. 161.16 (2) (b), heroin, phencyclidine, lysergic acid diethylamide, psilocin, psilocybin, amphetamine, methamphetamine or any form of tetrahydrocannabinols while in or otherwise within 1,000 feet of a state, county, city, village or town park, a swimming pool open to members of the public, a youth center or a community center, while on or otherwise within 1,000 feet of any private or public school premises or while on or otherwise within 1,000 feet of a school bus, as defined in s. 340.01 (56), the maximum term of imprisonment prescribed by law for that crime may be increased by 5 years.

SECTION 2423. 161.49 (2) of the statutes is created to read:

161.49 (2) (a) Except as provided in par. (b), if any person violates s. 161.41 (1) by distributing, or violates s. 161.41 (1m) by possessing with intent to deliver, a controlled substance listed in schedule I or II while in or otherwise within 1,000 feet of a state, county, city, village or town park, a swimming pool open to members of the public, a youth center or a community center, while on or otherwise within 1,000 feet of any private or public school premises or while on or otherwise within 1,000 feet of a school bus, as defined in s. 340.01 (56), the court shall sentence the person to at least 3 years in prison, but otherwise the penalties for the crime apply. The court shall not place the person on probation. The person is not eligible for parole until he or she has served at least 3 years, with no modification by the calculation under s. 53.11 (1).

(b) If the conduct described in par. (a) involves only the distribution, or the possession with intent to deliver, of not more than 25 grams of tetrahydrocannabinols, listed at s. 161.14 (4) (t), the court shall sentence the person to at least one year in prison, but otherwise the penalties for the crime apply. The court shall not place the person on probation. The person is not eligible for parole until he or she has served at least

one year, with no modification by the calculation under s. 53.11 (1).

SECTION 2425. 161.495 of the statutes is created to read:

161.495 Possession of a controlled substance on or near certain places. If any person violates s. 161.41 (2r), (3), (3m), (3n) or (3r) by possessing a controlled substance listed in schedule I or II while in or otherwise within 1,000 feet of a state, county, city, village or town park, a swimming pool open to members of the public, a youth center or a community center, while on or otherwise within 1,000 feet of any private or public school premises or while on or otherwise within 1,000 feet of a school bus, as defined in s. 340.01 (56), the court shall impose both of the following penalties in addition to any other penalties that may apply to the crime:

(1) One hundred hours of community service work for a public agency or a nonprofit charitable organization. The court shall ensure that the defendant is provided a written statement of the terms of the community service order and that the community service order is monitored. Any organization or agency acting in good faith to which a defendant is assigned pursuant to an order under this subsection has immunity from any civil liability in excess of \$25,000 for acts or omissions by or impacting on the defendant.

(2) Revocation of the person's operating privilege, as defined in s. 340.01 (40), for not less than 6 months nor more than 2 years. The court shall immediately take possession of any revoked license and forward it to the department of transportation together with the record of conviction and notice of the revocation.

SECTION 2426. 163.05 of the statutes is renumbered 163.05 (1).

SECTION 2427. 163.05 (2) of the statutes is created to read:

163.05 (2) The department may promulgate rules requiring holders of licenses issued under this chapter to post a notice in a conspicuous place where a bingo occasion or raffle drawing is conducted describing the procedures for filing a complaint against the holder.

SECTION 2428. 163.055 of the statutes is created to read:

163.055 Cancellation of license; reinstatement. (1) If the holder of a license issued under this chapter pays a fee required under s. 163.13 (4), 163.22 (2) or 163.92 (1) by check and the check is not paid by the bank upon which the check is drawn, the department may cancel the license on or after the 60th day after the department receives the notice from the bank, subject to sub. (2).

(2) At least 20 days before canceling a license, the department shall mail a notice to the holder that informs the holder that the check was not paid by the bank and that the holder's license may be canceled on the date determined under sub. (1) unless the holder does all of the following before that date:

(a) Pays the fee for which the unpaid check was issued.

(b) Pays the charge for an unpaid draft established by the depository selection board under s. 20.905 (2).

(3) Nothing in sub. (1) or (2) prohibits the department from extending the date for cancellation to allow the holder additional time to comply with sub. (2) (a) and (b).

(4) A cancellation of a license under this section completely terminates the license and all rights, privileges and authority previously conferred by the license.

(5) The department may reinstate a license that has been canceled under this section only if the previous holder complies with sub. (2) (a) and (b) and pays a \$30 reinstatement fee.

SECTION 2429m. 163.51 (2m) of the statutes is repealed.

SECTION 2430z. 165.25 (1) of the statutes is amended to read:

165.25 (1) REPRESENT STATE. Except as provided in s. 59.47 (7), appear for the state and prosecute or defend all actions and proceedings, civil or criminal, in the court of appeals and the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded to any circuit court in which the state is a party; and, if requested by the governor or either house of the legislature, appear for and represent the state, any state department, agency, official, employee or agent, whether required to appear as a party or witness in any civil or criminal matter, and prosecute or defend in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people of this state may be interested. The radioactive waste review board may request under s. 16.08 36.50 (7) that the attorney general intervene in federal proceedings. All expenses of the proceedings shall be paid from the appropriation under s. 20.455 (1) (d).

SECTION 2431. 165.25 (1) of the statutes, as affected by 1989 Wisconsin Act (this act), section 2430z, is amended to read:

165.25 (1) REPRESENT STATE. Except as provided in s. 59.47 (7) 978.05 (5), appear for the state and prosecute or defend all actions and proceedings, civil or criminal, in the court of appeals and the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded to any circuit court in which the state is a party; and, if requested by the governor or either house of the legislature, appear for and represent the state, any state department, agency, official, employee or agent, whether required to appear as a party or witness in any civil or criminal matter, and prosecute or defend in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people of this state may be interested. The radioactive waste review board may request under s. 36.50 (7) that the attorney general intervene in federal proceedings.

All expenses of the proceedings shall be paid from the appropriation under s. 20.455 (1) (d).

SECTION 2431b. 165.25 (1) of the statutes, as affected by 1989 Wisconsin Act (this act), section 2431, is repealed and recreated to read:

165.25 (1) REPRESENT STATE. Except as provided in s. 978.05 (5), appear for the state and prosecute or defend all actions and proceedings, civil or criminal, in the court of appeals and the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded to any circuit court in which the state is a party; and, if requested by the governor or either house of the legislature, appear for and represent the state, any state department, agency, official, employee or agent, whether required to appear as a party or witness in any civil or criminal matter, and prosecute or defend in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people of this state may be interested. All expenses of the proceedings shall be paid from the appropriation under s. 20.455 (1) (d).

~~SECTION 2432am. 165.25 (6) of the statutes is renumbered 165.25 (6) (a) and amended to read:~~

~~165.25 (6) (a). At the request of the head of any department of state government, the attorney general may appear for and defend any state department, or any state officer, employee or agent of the department, in any civil action or other matter brought before a court or an administrative agency which is brought against the state department, or officer, employee or agent for or on account of any act growing out of or committed in the lawful course of an officer's, employee's or agent's duties. Witness fees or other expenses determined by the attorney general to be reasonable and necessary to the defense in the action or proceeding shall be paid as provided for in s. 885.07. The attorney general may compromise and settle the action as the attorney general determines to be in the best interest of the state. Members, officers and employees of the Wisconsin state agencies building corporation and the Wisconsin state public building corporation are covered by this section. The attorney general may compromise and settle claims asserted before such actions or matters formally are brought or may delegate such authority to the department of administration. This subsection paragraph may not be construed as a consent to sue the state or any department thereof or as a waiver of state sovereign immunity.~~

~~SECTION 2432b. 165.25 (6) (b) of the statutes is created to read:~~

~~165.25 (6) (b). Volunteer health care providers who provide services under s. 146.89 are covered by this section and shall be considered agents of the department of health and social services for purposes of determining which agency head may request the attorney general to appear and defend them.~~

Vetoed
in Part

- 553 -

SECTION 2434. 165.70 (4) of the statutes is amended to read:

165.70 (4) ~~Local district~~ District attorneys, sheriffs and chiefs of police shall cooperate and assist the personnel of the department in the performance of their duties.

SECTION 2435. 165.85 (2) (bg) of the statutes is amended to read:

165.85 (2) (bg) "Jail" means a county jail, rehabilitation facility established by s. 59.07 (76), county house of correction under s. ~~56.16~~ 303.16 or secure detention facility as defined in s. 48.02 (16).

SECTION 2435c. 165.85 (3) (d) of the statutes is amended to read:

165.85 (3) (d) Establish minimum curriculum requirements for preparatory courses and programs, and recommend minimum curriculum requirements for ~~in-service recertification~~ and advanced courses and programs, in schools operated by or for this state or any political subdivision thereof of the state for the specific purpose of training law enforcement recruits, law enforcement officers, jail officer recruits or jail officers in areas of knowledge and ability necessary to the attainment of effective performance as an officer, and ranging from traditional subjects such as first aid, patrolling, statutory authority, techniques of arrest and firearms to subjects designed to provide a better understanding of ever-increasing complex problems in law enforcement such as human relations, civil rights, constitutional law and supervision, control and maintenance of a jail. The board shall appoint a 13-member advisory curriculum committee consisting of 6 chiefs of police and 6 sheriffs to be appointed on a geographic basis of not more than one chief of police and one sheriff from any one of the 8 state administrative districts together with the director of training of the Wisconsin state patrol. This committee ~~will act in an advisory capacity~~ shall advise the board in the establishment of the curriculum requirements.

SECTION 2435d. 165.85 (4) (a) (intro.) of the statutes is amended to read:

165.85 (4) (a) (intro.) The following law enforcement officers are not required to meet any requirement of pars. (b) 1, ~~(bn) 1~~ and (c) as a condition of tenure or continued employment. The failure of any such law enforcement officer to fulfill those requirements does not make that officer ineligible for any promotional examination for which he or she is otherwise eligible. Those law enforcement officers may voluntarily participate in this program.

SECTION 2435e. 165.85 (4) (an) of the statutes is amended to read:

165.85 (4) (an) Except as provided in pars. (ap) and (ar), jail officers are required to meet the requirements of pars. (b) 2, ~~(bn) 2~~ and (c) as a condition of tenure or continued employment regardless of the date of their appointment.

SECTION 2435f. 165.85 (4) (b) of the statutes is amended to read:

165.85 (4) (b) 1. No person may be appointed as a law enforcement officer, except on a temporary or probationary basis, unless the person has satisfactorily completed a preparatory program of law enforcement training approved by the board and has been certified by the board as being qualified to be a law enforcement officer. The program shall include at ~~least 240~~ 400 hours of training. The board shall promulgate a rule under ch. 227 providing a specific curriculum for a ~~conventional 240-hour preparatory program and a competency-based variation of the program which may not exceed 320 hours.~~ The rule shall ensure that there is an adequate amount of training to enable the person to deal effectively with domestic abuse incidents. The training under this subdivision shall include training on emergency detention standards and procedures under s. 51.15, emergency protective placement standards and procedures under s. 55.06 (11) and information on mental health and developmental disabilities agencies and other resources ~~which that~~ may be available to assist the officer in interpreting the emergency detention and emergency protective placement standards, making emergency detentions and emergency protective placements and locating appropriate facilities for the emergency detentions and emergency protective placements of persons. The period of temporary or probationary employment established at the time of initial employment shall not be extended by more than one year for an officer lacking the training qualifications required by the board. The total period during which a person may serve as a law enforcement officer on a temporary or probationary basis without completing a preparatory program of law enforcement training approved by the board shall not exceed 2 years, except that the board shall permit part-time law enforcement officers to serve on a temporary or probationary basis without completing a program of law enforcement training approved by the board to a period not exceeding ~~6~~ 3 years. For purposes of this section, a part-time law enforcement officer is a law enforcement officer who routinely works not more than one-half the normal annual work hours of a full-time employe of the employing agency or unit of government. Law enforcement training programs including municipal, county and state programs meeting standards of the board ~~shall be~~ are acceptable as meeting these training requirements.

2. No person may be appointed as a jail officer, except on a temporary or probationary basis, unless the person has satisfactorily completed a preparatory program of jail officer training approved by the board and has been certified by the board as being qualified to be a jail officer. The program shall include at least ~~80~~ 96 hours of training. The training program shall devote at least 16 hours to methods of supervision of special needs inmates, including inmates who may be

emotionally distressed, mentally ill, suicidal, developmentally disabled or alcohol or drug abusers. The period of temporary or probationary employment established at the time of initial employment shall not be extended by more than one year for an officer lacking the training qualifications required by the board. Jail officer training programs including municipal, county and state programs meeting standards of the board shall be acceptable as meeting these training requirements.

SECTION 2435g. 165.85 (4) (bn) of the statutes is created to read:

165.85 (4) (bn) 1. No person may continue as a law enforcement officer, except on a temporary or probationary basis, unless that person completes annual recertification training. The officer shall complete at least 24 hours each calendar year beginning in the later of the following:

a. Calendar year 1990.

b. The calendar year following the calendar year in which he or she complies with par. (b) 1.

2. No person may continue as a jail officer, except on a temporary or probationary basis, unless that person completes annual recertification training. The officer shall complete at least 24 hours each calendar year beginning in the later of the following:

a. Calendar year 1990.

b. The calendar year following the calendar year in which he or she complies with par. (b) 2.

SECTION 2435h. 165.85 (4) (c) of the statutes is amended to read:

165.85 (4) (c) In addition to the requirements of ~~par. pars.~~ (b) and (bn), the board may, by rule, fix such other minimum qualifications for the employment of law enforcement or jail officers as relate to the competence and reliability of persons to assume and discharge the responsibilities of law enforcement or jail officers, and the board shall prescribe the means for presenting evidence of fulfillment of these requirements.

SECTION 2435i. 165.85 (4) (d) of the statutes is amended to read:

165.85 (4) (d) The board shall issue a certificate evidencing satisfaction of the requirements of pars. (b), (bn) and (c) to any applicant who presents such evidence as is required by its rules, of satisfactory completion or requirements in another jurisdiction equivalent in content and quality to those fixed by the board under the board's authority as set out in pars. (b), (bn) and (c).

SECTION 2435j. 165.85 (5) (b) of the statutes is amended to read:

165.85 (5) (b) The board shall authorize the reimbursement to each political subdivision of ~~the salary and of the allowable tuition, living and travel~~ approved expenses incurred by officers who satisfactorily complete training at schools approved ~~certified~~ by the board. Reimbursement of these expenses ~~shall be 100% for the first 240 hours of conventional or~~

~~competency-based law enforcement recruit officer and jail officer preparatory training, 60% for additional conventional law enforcement recruit training up to 320 hours or 100% for additional competency-based law enforcement recruit training up to 320 hours, 100% for the first 80 hours of conventional or competency-based jail officer training and 100% of training under sub. (4) (ar) 2. After June 30, 1985, if the claims under this paragraph exceed the moneys available for reimbursement, the department shall prorate the reimbursement of salary expenses under this paragraph in the last 6 months of calendar year 1990 shall be not more than 55% for the first 400 hours of law enforcement preparatory training and the first 96 hours of jail officer preparatory training, in calendar year 1991 shall be not more than 35% for the first 400 hours of law enforcement preparatory training and the first 96 hours of jail officer preparatory training, and thereafter shall be for approved tuition, living and travel expenses for the first 400 hours of law enforcement preparatory training and for the first 96 hours of jail officer preparatory training. Reimbursement of approved expenses for completion of annual recertification training under sub. (4) (bn) shall include at least \$100 per officer prior to July 1, 1992, and at least \$123 per officer thereafter. Funds may also be distributed for attendance at other training programs and courses or for training services on a priority basis to be decided by the department of justice.~~

SECTION 2435k. 165.85 (5m) of the statutes is created to read:

165.85 (5m) SUPPLEMENTAL PAYMENTS. (a) *General authority.* In addition to the reimbursement payments authorized under sub. (5) (b), the department shall request supplemental appropriations under s. 16.515 if required to do so under this subsection.

(b) *Political subdivision supplemental base.* In fiscal year 1990-91, the department shall determine the supplemental base amount for each political subdivision in the following manner:

1. Determine the total reimbursement payments made to the political subdivision under s. 20.455 (2) (j) in fiscal years 1987-88 and 1988-89.

2. Divide the amount under subd. 1 by 2.

3. Determine the amount of reimbursement in fiscal year 1990-91 to be authorized under sub. (5) (b).

4. Subtract the amount under subd. 2 from the amount under subd. 3.

5. Determine a supplemental base amount for the political subdivision. If the amount under subd. 4 is \$300 or less or a negative amount, the supplemental base amount for the political subdivision is zero. If the amount under subd. 4 is greater than \$300, the supplemental base amount for the political subdivision is the amount under subd. 4.

(c) *Statewide supplemental base.* In fiscal year 1990-91, the department shall determine a statewide supplemental base amount by adding all the political subdivision supplemental base amounts under par. (b) 5.

(d) *Estimated cash surplus.* In fiscal year 1990-91, the department shall determine the cash surplus in the following manner:

1. Estimate what the total cash balance in the appropriation account under s. 20.455 (2) (i) will be at the end of the 1990-91 fiscal year.

2. Estimate the portion of the total cash balance that must be carried over to the 1991-92 fiscal year to support the expenditures in the 1991-92 fiscal year under s. 20.455 (2) (j), (ja) and (jb).

3. Determine the estimated cash surplus, if any, by subtracting the amount under subd. 2 from the amount under subd. 1.

(e) *Request for supplemental appropriation.* If the amounts under par. (c) and (d) 3 are both greater than zero, the department shall request a supplemental appropriation under s. 16.515, not to exceed the amount under par. (c) or the amount under par. (d) 3, whichever is less. If a supplemental appropriation is made, each political subdivision shall receive its supplemental base amount under par. (b) 5. If the supplemental appropriation is insufficient to provide full payments, each political subdivision shall receive a prorated amount.

SECTION 2435L. 165.86 (1) (b) of the statutes is amended to read:

165.86 (1) (b) Identify state agencies and political subdivisions ~~which that~~ employ law enforcement officers in the state, notify the appropriate officials of the standards of employment and preparatory and recertification training established by the board, and develop appropriate procedures whereby acceptable evidence of compliance with the board's employment and preparatory and recertification training standards may be submitted.

SECTION 2435Lg. 165.86 (2) of the statutes is amended to read:

165.86 (2) (a) Identify and coordinate all ~~presently existing~~ preparatory and recertification training activities in law enforcement in the state, and expand the coordinated program to the extent necessary to supply the training required for all recruits in the state under the preparatory training standards and time limits set by the board and for law enforcement officers and jail officers in this state.

(b) Organize a program of training, which shall encourage utilization of existing facilities and programs through cooperation with federal, state and local agencies and institutions presently active in this field. Priority shall be given to the establishment of the statewide preparatory and recertification training ~~program programs~~ described in sub. (1), but the department shall cooperate in the creation and operation of ~~in-service, other~~ advanced and special courses, including courses relating to emergency detention of persons under s. 51.15 and emergency protective placement under s. 55.06 (11), ~~which that~~ meet the curriculum standards recommended by the board.

The department may satisfy the requirement for cooperating in the development of ~~in-service~~ special courses relating to emergency detention and emergency protective placement by cooperating with county departments of community programs in the development of these courses under s. 51.42 (3) (ar) 4. d. The department shall keep appropriate records of all such training courses given in the state and the results thereof in terms of persons attending, agencies represented, and, where applicable, individual grades given.

SECTION 2435n. 165.87 (1) (a) of the statutes is amended to read:

165.87 (1) (a) Eleven-twentieths of all moneys collected from penalty assessments under this section shall be deposited in s. 20.455 (2) (i) and utilized in accordance with ss. 20.455 (2) and 165.85 (5) and (5m). The moneys deposited in s. 20.455 (2) (i), except for the moneys transferred to s. 20.455 (2) (jb), constitute the law enforcement training fund.

SECTION 2436. 165.87 (1) (b) of the statutes is amended to read:

165.87 (1) (b) One-tenth of all moneys collected from penalty assessments under this section shall be deposited in s. ~~20.435 (3)~~ 20.410 (1) (jp) and utilized in accordance with s. ~~46.057~~ 301.28.

SECTION 2437. 165.87 (1) (bn) of the statutes is amended to read:

165.87 (1) (bn) Three-twentieths of all moneys collected from penalty assessments under this section shall be deposited in and utilized in accordance with s. 20.505 (6) (g), except for moneys transferred to ss. 20.435 (4) ~~(7)~~ (jk) and 20.505 (6) (h). In regard to any grant to any local unit of government for which the state is providing matching funds from moneys under this paragraph, the local unit of government shall provide matching funds equal to at least 10%.

SECTION 2437am. 165.87 (2) (a) of the statutes, as affected by 1989 Wisconsin Act 22, is amended to read:

165.87 (2) (a) On or after July 1, 1988, whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for state laws or municipal or county ordinances involving nonmoving traffic violations or safety belt use violations under s. 347.48 (2m), there shall be imposed in addition a penalty assessment in an amount of 20% of the fine or forfeiture imposed. If multiple offenses are involved, the penalty assessment shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

SECTION 2437c. 165.90 (1) of the statutes is amended to read:

165.90 (1) Any county that has one or more federally recognized Indian reservations within or partially within its boundaries may enter into an agreement in

accordance with s. 59.07 (141) with an Indian tribe located in the county to establish a cooperative county-tribal law enforcement program. To be eligible to receive aid under this section, a county and tribe shall develop and annually submit a joint program plan, by ~~September~~ December 1 of the year prior to the year for which funding is sought, to the department of justice for approval. If funding is sought for the 2nd or any subsequent year of the program, the county and tribe shall submit the report required under sub. (4) (b) together with the plan.

SECTION 2437e. 165.90 (2) (b) of the statutes is amended to read:

165.90 (2) (b) The program's need for funding under this section and the amount of funding requested.

SECTION 2437g. 165.90 (3m) of the statutes is created to read:

165.90 (3m) In determining whether to approve a program plan and, if approved, how much aid the program shall receive, the department shall consider the following factors:

(a) The population of the reservation area to be served by the program.

(b) The complexity of the law enforcement problems that the program proposes to address.

(c) The range of services that the program proposes to provide.

SECTION 2437m. 165.90 (4) (intro.) of the statutes is amended to read:

165.90 (4) (intro.) If the department approves a plan, the department shall certify the program as eligible to receive aid under s. 20.455 (2) (d) and (hn). Prior to January 1 15, of the year for which funding is sought, the department shall distribute from the appropriations under s. 20.455 (2) (d) and (hn) to each eligible program the amount necessary to implement the plan, subject to the following limitations:

SECTION 2437p. 165.90 (4) (a) of the statutes is repealed.

SECTION 2437r. 165.90 (4) (b) and (c) of the statutes are renumbered 165.90 (4) (a) and (b).

SECTION 2438. 166.02 (1) of the statutes is renumbered 166.02 (1m).

SECTION 2439. 166.02 (6) of the statutes is renumbered 166.02 (1g) and amended to read:

166.02 (1g) "~~Secretary~~" "Adjutant general" means the secretary adjutant general of the department of ~~administration~~ military affairs.

SECTION 2440. 166.03 (2) (title) of the statutes is amended to read:

166.03 (2) (title) POWERS AND DUTIES OF ADJUTANT GENERAL.

SECTION 2441. 166.03 (2) (a) (intro.) of the statutes is amended to read:

166.03 (2) (a) (intro.) The secretary adjutant general shall:

SECTION 2442. 166.03 (2) (a) 5 of the statutes is amended to read:

166.03 (2) (a) 5. Provide assistance to the Wisconsin wing of the civil air patrol from the appropriation under s. ~~20.505 (2)~~ 20.465 (3) (q) for the purpose of enabling the patrol to perform its assigned missions and duties as prescribed by U.S. air force regulations. Expenses eligible for assistance are aircraft acquisition and maintenance, communications equipment acquisition and maintenance and office staffing and operational expenses. The civil air patrol shall submit vouchers for expenses eligible for assistance to the division.

SECTION 2443. 166.03 (2) (b) (intro.) of the statutes is amended to read:

166.03 (2) (b) (intro.) The ~~secretary~~ adjutant general may:

SECTION 2444z. 166.03 (2) (b) 6 of the statutes is amended to read:

166.03 (2) (b) 6. Request the department of health and social services to inspect or provide for the inspection of shipments of radioactive waste, obtain and analyze data concerning the radiation level of shipments of radioactive waste and issue reports concerning these shipments and radiation levels. The secretary may assess and collect and receive contributions for any costs incurred under this subdivision from any person who produced the radioactive waste which is the subject of the activity for which the costs are incurred. In this subdivision, "radioactive waste" includes high-level radioactive waste, as defined under s. ~~16.08 36.50~~ (1) (c) and transuranic waste, as defined under s. ~~16.08 36.50~~ (1) (d).

SECTION 2445. 166.03 (2) (b) 6 of the statutes, as affected by 1989 Wisconsin Act (this act), section 2444z, is amended to read:

166.03 (2) (b) 6. Request the department of health and social services to inspect or provide for the inspection of shipments of radioactive waste, obtain and analyze data concerning the radiation level of shipments of radioactive waste and issue reports concerning these shipments and radiation levels. The secretary adjutant general may assess and collect and receive contributions for any costs incurred under this subdivision from any person who produced the radioactive waste which is the subject of the activity for which the costs are incurred. In this subdivision, "radioactive waste" includes high-level radioactive waste, as defined under s. 36.50 (1) (c) and transuranic waste, as defined under s. 36.50 (1) (d).

SECTION 2445b. 166.03 (2) (b) 6 of the statutes, as affected by 1989 Wisconsin Act (this act), section 2445, is repealed and recreated to read:

166.03 (2) (b) 6. Request the department of health and social services to inspect or provide for the inspection of shipments of radioactive waste, obtain and analyze data concerning the radiation level of shipments of radioactive waste and issue reports concerning these shipments and radiation levels. The adjutant

general may assess and collect and receive contributions for any costs incurred under this subdivision from any person who produced the radioactive waste which is the subject of the activity for which the costs are incurred. In this subdivision, "radioactive waste" has the meaning given in s. 144.833 (1) (b).

SECTION 2446. 166.03 (2) (b) 8 of the statutes is amended to read:

166.03 (2) (b) 8. Make payments from the appropriation under s. ~~20.505 (2)~~ 20.465 (3) (e) to reimburse the federal government for the amounts advanced to pay this state's share of grants to individuals and to provide a share of any required state share of contributions to local governments as defined in 42 USC 5122 (6) for major disaster recovery assistance. Payment of this state's share of any contribution to a local government under this subdivision is contingent upon copayment of that share by the local government, but not to exceed 12.5% of the total eligible cost of assistance.

SECTION 2447. 166.03 (3) of the statutes is amended to read:

166.03 (3) POWERS AND DUTIES OF AREA HEADS. Area heads of emergency government may exercise such powers as are delegated and shall perform such duties as are assigned to them by the secretary adjutant general.

SECTION 2450. 166.03 (5) (b) of the statutes is amended to read:

166.03 (5) (b) The head of emergency government services in each county shall coordinate and assist in developing town and municipal emergency government plans within the county, integrate such plans with the county plan, advise the department of all emergency government planning in the county and submit to the secretary adjutant general such reports as he or she requires, direct and coordinate emergency government activities throughout the county during a state of emergency, and direct countywide emergency government training programs and exercises.

SECTION 2452b. 166.03 (5) (c) of the statutes is amended to read:

166.03 (5) (c) The head of emergency government services in each town and municipality shall direct local emergency government training programs and exercises, direct participation in emergency government programs and exercises ordered by the adjutant general and the county head of emergency government services and the secretary, and advise the county head of emergency government services on local emergency government programs and submit to him or her such reports as he or she requires.

SECTION 2453. 166.03 (7) (b) of the statutes is amended to read:

166.03 (7) (b) Counties, towns and municipalities may contract for emergency government services with political subdivisions, emergency government units and civil defense units of this state, and upon prior approval of the secretary adjutant general, with such

entities in bordering states. A copy of each such agreement shall be filed with the secretary adjutant general within 10 days after execution thereof.

SECTION 2454. 166.03 (8) (f) of the statutes is amended to read:

166.03 (8) (f) If the total liability for worker's compensation benefits under par. (d), indemnification under par. (e) and loss from destruction of equipment under sub. (9), incurred in any calendar year exceeds \$1 per capita of the sponsor's population, the state shall reimburse the sponsor for the excess. Payment shall be made from the appropriation in s. ~~20.505 (2)~~ 20.465 (3) (a) on certificate of the secretary adjutant general.

SECTION 2455. 166.03 (10) of the statutes is amended to read:

166.03 (10) EXEMPTION FROM LIABILITY. No person who provides equipment or services under the direction of the governor, the secretary adjutant general or the head of emergency government services in any county, town or municipality during a state of emergency declared by the governor is liable for the death of or injury to any person or damage to any property caused by his or her actions, except where the trier of fact finds that the person acted intentionally or with gross negligence. This subsection does not affect the right of any person to receive benefits to which he or she would otherwise be entitled under the worker's compensation law or under any pension law, nor does it affect entitlement to any other benefits or compensation authorized by state or federal law.

SECTION 2457b. 166.03 (11) of the statutes is amended to read:

166.03 (11) POWERS OF PEACE OFFICERS. During any state of emergency proclaimed by the governor or during any training program or exercises authorized by the secretary adjutant general, any peace officer or traffic officer of the state, or of a county, city, village or town, when legally engaged in traffic control, escort duty or protective service, may carry out such functions at any point within the state but shall be subject to the direction of the secretary adjutant general through the sheriff of the county in which an assigned function is performed.

SECTION 2458. 166.03 (13) of the statutes is amended to read:

166.03 (13) AUTHORITY TO WITHHOLD GRANTS. If the secretary adjutant general finds that any political subdivision of the state has not complied with the requirement of this section that it establish and maintain an operating emergency government organization, he or she may refuse to approve grants of funds or items of equipment to such political subdivision until it complies. If such political subdivision fails to use funds or items of equipment granted to it through the secretary adjutant general in accordance with the agreement under which the grant was made, the secretary adjutant general may refuse to make any addi-

tional grants to such political subdivision until it has complied with the conditions of the prior grant, and he or she may start recovery proceedings on the funds and items of equipment which have not been used in accordance with the conditions of the grant.

SECTION 2459n. 166.15 (1) (h) of the statutes is amended to read:

166.15 (1) (h) "Radioactive waste" means high-level radioactive waste, as defined in s. ~~16.08~~ 36.50 (1) (c), transuranic waste, as defined in s. ~~16.08~~ 36.50 (1) (d), and radioactive defense waste.

SECTION 2459p. 166.15 (1) (h) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

166.15 (1) (h) "Radioactive waste" means radioactive waste, as defined in s. 144.833 (1) (b), and radioactive defense waste.

SECTION 2460. 166.20 (1) (a) and (b) of the statutes are amended to read:

166.20 (1) (a) "~~Commission~~ "Board"" means the state emergency response ~~commission board~~.

(b) "Committee" means a local emergency planning committee created by the ~~commission board~~ in accordance with 42 USC 11001 (c).

SECTION 2461. 166.20 (2) (intro.) and (a) of the statutes are amended to read:

166.20 (2) (title) DUTIES OF THE BOARD. (intro.) The ~~commission board~~ shall:

(a) Carry out all requirements of a state emergency response commission under the federal act.

SECTION 2462. 166.20 (4) (a) and (b) of the statutes are amended to read:

166.20 (4) (a) Upon receipt of a notification under sub. (5) (a) 2 or s. 144.76 (2) of the release of a hazardous substance, provide all information contained in the notification to the ~~commission board~~.

(b) Have the same powers and duties at the time of a release of a hazardous substance as are given to it under s. 144.76, including the investigation of releases of hazardous substances, the repair of any environmental damage which results from the release and the recovery of costs from responsible parties. The department of natural resources may also, at the time of a release of a hazardous substance, identify and recommend to the ~~commission board~~ and the committee measures to lessen or mitigate anticipated environmental damage resulting from the release.

SECTION 2463. 166.20 (5) (a) 2 and 5 of the statutes are amended to read:

166.20 (5) (a) 2. All facilities in this state covered under 42 USC 11004 shall comply with the notification requirements of 42 USC 11004. Notification of the department of natural resources of the discharge of a hazardous substance under s. 144.76 (2) shall constitute the notification of the ~~commission board~~ required under 42 USC 11004 if the notification contains the information specified in 42 USC 11004 (b) (2) or (c).

5. The reporting procedures for trade secrets under 42 USC 11042 shall apply to all facilities in this state subject to the requirements under subd. 1, 3 or 4. For the purposes of applying this subdivision to public agencies and private agencies, the ~~commission board~~ shall have the powers and duties granted to the administrator of the U.S. environmental protection agency under 42 USC 11042.

SECTION 2464b. 166.20 (7) (a) (intro.) and (b) of the statutes are amended to read:

166.20 (7) (a) (intro.) The ~~commission board~~ shall establish, by rule, the following fees:

(b) The ~~commission board~~ may establish, by rule, a surcharge to be paid by facilities which fail to pay the fees under par. (a) in a timely manner. The surcharge under this paragraph shall not exceed 20% of the original fee.

~~SECTION 2464d. 166.20 (7) (dm) of the statutes is created to read:~~

~~166.20 (7) (dm) Notwithstanding par. (c) 1 or any rule promulgated under par. (a), a public agency that is the operator of a facility may prepare a facility plan for the facility in lieu of paying the fee under par. (a) 1.~~

Vetoed
in Part

SECTION 2464f. 166.20 (7) (e) of the statutes is amended to read:

166.20 (7) (e) All moneys received under this subsection shall be credited to the appropriations under s. ~~20.505~~ (2) 20.465 (3) (i) and (4) (jm).

SECTION 2465. 166.20 (8) of the statutes is amended to read:

166.20 (8) ENFORCEMENT. The department of justice, at its own discretion or at the request of the ~~commission board~~ or the district attorney for the county in which the violation is alleged to have occurred, shall enforce subs. (2) to (7) and rules promulgated under subs. (2) to (7). In addition to any other relief granted, the court may grant injunctive relief to restrain violations of subs. (2) to (7) and rules promulgated under subs. (2) to (7).

SECTION 2466. 166.20 (9) (a) 1, c, d and e of the statutes are amended to read:

166.20 (9) (a) 1, c. The ~~commission board~~ for failure to render a decision in response to a petition under 42 USC 11042 (d), as applied under sub. (5) (a) 5, within 9 months after receipt of the petition.

d. The ~~commission board~~ for failure to provide a mechanism for public availability of information in accordance with 42 USC 11044 (a), as applied under sub. (2) (a).

e. The ~~commission board~~ for failure to respond to a request for information under 42 USC 11022 (e) (3), as applied under sub. (2) (a).

SECTION 2467. 166.20 (9) (a) 2, (intro.) and a and 3 of the statutes are amended to read:

166.20 (9) (a) 2, (intro.) The ~~commission board~~ or any county, city, village or town may commence a civil action against any person for failure to do any of the following:

a. Provide notification to the commission board under 42 USC 11002 (c), as applied under sub. (5) (a) 1.

3. The commission board or any committee may commence an action against any person for failure to provide the information required under 42 USC 11003 (d), as applied under sub. (5) (a) 1 or any information required under 42 USC 11022 (e) (1), as applied under sub. (5) (a) 3.

SECTION 2468. 166.20 (9) (b) 1. (intro.) and a and 2 of the statutes are amended to read:

166.20 (9) (b) 1. (intro.) No action may be commenced against any person other than the commission board under this subsection under any of the following circumstances:

a. If fewer than 60 days have elapsed since the plaintiff gave notice of the alleged violation to the commission board and to the alleged violator.

2. No action may be commenced against the commission board under this subsection if fewer than 60 days have elapsed since the plaintiff gave notice of the action to the commission board.

SECTION 2469. 166.21 (1) (b) of the statutes is amended to read:

166.21 (1) (b) Any committee may apply annually to the commission board for an emergency planning grant. Applications shall be made in the manner specified by the commission board.

~~SECTION 2469m. 166.21 (2) (a) of the statutes is amended to read:~~

Vetoed in Part ~~166.21 (2) (a) Developing emergency response plans required under 42 USC 11003, including the cost of developing facility plans other than facility plans prepared by a public agency under s. 166.20 (7) (dm), in lieu of paying the fee under s. 166.20 (7) (a) 1.~~

SECTION 2470b. 166.21 (3) (a) 1, (b) and (c) of the statutes are amended to read:

166.21 (3) (a) 1. For each new facility plan completed by the committee and approved by the commission board in the period covered by the grant, \$900.

(b) The commission board shall reduce the grant amount calculated under par. (a) by the amount of any other gifts or grants received by the committee in the period covered by the grant for costs incurred by the committee related to sub. (2).

(c) Notwithstanding sub. (2), the commission board shall deny that portion of a grant calculated under par. (a) 2 if the commission board determines that the committee has failed to review, exercise or implement a local emergency response plan as required under s. 166.20 or the federal act.

~~SECTION 2470d. 166.21 (3) (dm) of the statutes is created to read:~~

Vetoed in Part ~~166.21 (3) (dm) Notwithstanding sub. (2), the board shall deny a grant under this section if at the time a committee applies for a grant the committee is not in~~

~~compliance with the following timetable for the completion of facility plans under s. 166.20 (5) (a) 1.~~

- ~~1. In 1990, 20% of required facility plans.~~
- ~~2. In 1991, 40% of required facility plans.~~
- ~~3. In 1992, 60% of required facility plans.~~
- ~~4. In 1993, 80% of required facility plans.~~
- ~~5. In 1994 or any later year, 100% of required facility plans.~~

SECTION 2470f. 166.21 (3) (d) of the statutes is amended to read:

166.21 (3) (d) The commission board may, by rule, adjust the amount which may be paid under par. (a) 1 for the preparation of facility plans if it determines that the amount which may be paid under par. (a) 1 is not sufficient to cover reasonable costs associated with the preparation of facility plans. Rules promulgated under this paragraph shall not apply to a grant made before June 1, 1989.

SECTION 2471. 166.21 (4) (a) and (b) of the statutes are amended to read:

166.21 (4) (a) Annually, the commission board shall review all applications received under this section and make grants to committees from the appropriation under s. ~~20.505 (4)~~ 20.465 (3) (jm). If insufficient funds are available to pay all approved grants, the commission board shall prorate the available funds among the eligible applicants in proportion to the approved grant amounts. A prorated payment shall be deemed full payment of the grant.

(b) If funds are sufficient to fully fund all costs calculated under sub. (3) (a) 1 but not all costs calculated under sub. (3) (a) 2, the commission board shall fully fund all costs calculated under sub. (3) (a) 1 and prorate the remaining funds for the costs calculated under sub. (3) (a) 2. If funds are insufficient to fully fund all costs calculated under sub. (3) (a) 1, the commission board shall prorate all funds for the costs calculated under sub. (3) (a) 1 and deny funding for the costs calculated under sub. (3) (a) 2.

SECTION 2472. 166.21 (5) of the statutes is amended to read:

166.21 (5) PAYMENT IN ADVANCE. (a) The commission board may pay a portion of a grant before the end of the period covered by the grant if a committee requests the advance payment and if the commission board determines that the necessary funds are available and that the advance payment will not result in insufficient funds to pay other grants.

(b) The commission board may pay an amount up to 50% of anticipated eligible costs covered by a grant up to 12 months before the end of the period covered by the grant. The commission board may pay an additional amount up to 25% of anticipated eligible costs up to 6 months before the end of the period covered by the grant. The commission board shall determine anticipated eligible costs from a budget submitted by the committee at the time that the committee requests payment in advance.

Vetoed in Part

(c) If a committee receives advance payments under this subsection which exceed the total grant amount calculated under sub. (3), the ~~commission board~~ shall subtract the amount of the overpayment from the amount of a grant paid to that committee in the next year that the committee receives a grant.

SECTION 2473. 167.10 (7) of the statutes is amended to read:

167.10 (7) PARENTAL LIABILITY. A parent, foster or family-operated group home parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

SECTION 2473e. 167.34 (4) of the statutes is created to read:

167.34 (4) PERIOD OF INAPPLICABILITY. This section does not apply to damage caused by deer that occurs during the time period beginning on the effective date of this subsection [revisor inserts date], and ending on June 30, 1991.

SECTION 2473f. 168.12 (1) of the statutes is amended to read:

168.12 (1) The department shall demand and receive within 2 weeks after demand, from the owner or other person for whom it inspects any petroleum product, an inspection fee at a rate prescribed by the department by rule for each 50 gallons from which the sample was taken. In addition to the inspection fee, the department shall charge a fee for each 50 gallons from which a sample was taken in an amount to be prescribed by the department by rule that would annually generate \$1,566,000 for fiscal years 1987-88 and 1988-89, and ~~\$66,000~~ \$566,000 in the fiscal years thereafter. Such fees shall be a lien on the products so inspected.

SECTION 2473m. 168.12 (1m) of the statutes is amended to read:

168.12 (1m) The department shall charge an additional oil inspection fee in an amount prescribed by the department that would generate the amount specified under s. 101.143 (2) (a), to be deposited in the petroleum storage environmental cleanup fund. The department shall consult the petroleum storage environmental cleanup council regarding the amount of the fee under this subsection before changing the amount of the fee. An increase in the fee under this subsection may not take effect earlier than 60 days after the department, in writing, notifies the persons that are required to pay the fee under this subsection of the increase in the fee.

SECTION 2473o. 168.12 (1s) of the statutes is created to read:

168.12 (1s) In addition to any other fees, the department shall collect a well compensation fee from the owner or any other person for whom it inspects any petroleum product. The well compensation fee under this subsection shall be 0.125 cents for each 50 gallons from which a sample is taken. The well compensation fee collected under this subsection shall be

credited to the environmental fund for environmental repair.

SECTION 2473q. 181.297 (3) (a) 5 of the statutes is amended to read:

181.297 (3) (a) 5. Proceedings based upon a cause of action for which the volunteer is immune from liability under s. 29.59 (7), 146.31 (2) and (3), 146.37, 895.44, 895.48, 895.51 or 895.52.

SECTION 2473s. 182.017 (1) of the statutes is amended to read:

182.017 (1) RIGHT-OF-WAY FOR. Any domestic corporation organized to furnish telegraph or telecommunications service or transmit heat, power or electric current to the public or for public purposes, and any cooperative association organized under ch. 185 to furnish telegraph or telecommunications service or transmit heat, power or electric current to its members, may, subject to ss. 30.44 (3m), 30.45, 86.16, 196.491 (3) (d) 3m and 196.492 and to reasonable regulations made by any city or village through which its transmission lines or systems may pass, construct and maintain such lines or systems with all necessary appurtenances in, across or beneath any public highway or bridge or any stream or body of water, or upon any lands of any owner consenting thereto, and for such purpose may acquire lands or the necessary easements; and may connect and operate its lines or system with other lines or systems devoted to like business, within or without this state, and charge reasonable rates for the transmission and delivery of messages or the furnishing of heat, power or electric light.

SECTION 2475. 185.983 (1m) of the statutes is amended to read:

185.983 (1m) In addition to ss. 601.04, 601.31, 632.79 and 632.895 (5), the commissioner of insurance may by rule subject a medicare supplement policy as defined in s. 600.03 (28r) ~~or~~ a medicare replacement policy as defined in s. 600.03 (28p) or a long-term care insurance policy as defined in s. 600.03 (28g) sold by a voluntary nonprofit sickness care plan to other provisions of chs. 600 to 646.

SECTION 2476. 185.983 (3) (b) of the statutes is amended to read:

185.983 (3) (b) Except as provided in par. (c), par. (a) applies to plans on and after May 10, 1984, ~~and before July 1, 1989, or the effective date of the 1989-91 budget bill, whichever is later.~~

SECTION 2477. 185.983 (3) (c) of the statutes is amended to read:

185.983 (3) (c) If compliance with the requirements of par. (a) during the period specified in par. (b) would impair any provision of a contract between a cooperative association and any other person, and if the contract provision was in existence prior to May 10, 1984, then immediately after the expiration of all such contract provisions, ~~if before July 1, 1989, or the effective date of the 1989-91 budget bill, whichever is later,~~ the plan operated by the cooperative association shall

comply with the requirements of par. (a), ~~and if on or after July 1, 1989, or the effective date of the 1989-91 budget bill, whichever is later, the plan shall provide one period of at least 30 days during which any pharmacist may elect to participate in the plan, as provided in par. (a), for at least one year.~~

SECTION 2477g. 186.012 (1) of the statutes is amended to read:

186.012 (1) The commissioner shall appoint a deputy subject to s. 15.04 (2) and (3) who shall possess all powers and perform the duties attached to the office of the commissioner during a vacancy thereof and during the absence or inability of the commissioner. No person may be appointed deputy commissioner who has not had at least one year of actual experience either in the operation of a credit union, or serving in a credit union supervisory capacity, or a combination of both. The commissioner may also employ such examiners and clerks to assist him or her and the deputy in the discharge of the several duties imposed upon the commissioner by this chapter as he or she finds necessary, and who shall perform such other duties as the commissioner directs.

SECTION 2477j. 195.28 (2) of the statutes is amended to read:

195.28 (2) INSTALLATION COSTS. The cost of any signal or other crossing protection device which is ordered installed under sub. (1) and the cost of installing any such device shall be paid by the department from the appropriations under s. 20.395 (2) (gq) and (gx).

SECTION 2477m. 195.28 (3) of the statutes is amended to read:

195.28 (3) MAINTENANCE COSTS. Except as otherwise provided in this subsection, the cost of maintaining crossing protection devices ordered under sub. (1) shall be the responsibility of the railroad. Any railroad company that incurs expenses for maintenance of signals or other safety devices may file a claim for reimbursement with the department regardless of the date of installation of the signals or devices. At the close of each fiscal year the department shall reimburse claimants under this subsection for 50% of the costs, as determined by the office, incurred for maintenance of railroad crossing protection devices from the appropriation under s. 20.395 (2) (gq). If the amount in this the appropriation under s. 20.395 (2) (gq) is not adequate to fund maintenance reimbursement under this subsection, the amount shall be prorated in the manner determined by the office among the claimants filing claims for reimbursement which exceed \$100,000 in total amount.

SECTION 2477o. 196.491 (1) (f) of the statutes is amended to read:

196.491 (1) (f) "High voltage Except as provided in subs. (2) (b) 8 and (3) (d) 3m, "high-voltage transmission line" means a conductor of electric energy exceeding one mile in length designed for operation at

a nominal voltage of 100 kilovolts or more, together with associated facilities. ~~"High voltage transmission line", and does not include transmission line relocations which that the commission determines are necessary to facilitate highway or airport projects.~~

~~SECTION 2477p. 196.491 (2) (b) 2 of the statutes is renumbered 196.491 (2) (b) 5m and amended to read 196.491 (2) (b) 5m. Department of Tourism and Development.~~

Vetoed
in Part

SECTION 2477q. 196.491 (2) (b) 8 of the statutes is created to read:

196.491 (2) (b) 8. The lower Wisconsin state riverway board if the plan includes the construction, modification or relocation of a high-voltage transmission line, as defined in s. 30.40 (3r), that is located in the lower Wisconsin riverway as defined in s. 30.40 (15).

SECTION 2477s. 196.491 (3) (d) 3m of the statutes is created to read:

196.491 (3) (d) 3m. For a high-voltage transmission line, as defined in s. 30.40 (3r), that is to be located in the lower Wisconsin state riverway, as defined in s. 30.40 (15), the high-voltage transmission line will not impair, to the extent practicable, the scenic beauty or the natural value of the riverway. The commission may not require that a high-voltage transmission line, as defined in s. 30.40 (3r), be placed underground in order for it to approve an application.

SECTION 2477u. 196.492 of the statutes is created to read:

196.492 Advance plan for the lower Wisconsin state riverway for high-voltage transmission lines. (1) A public utility or a cooperative association organized under ch. 185 shall file a plan with the lower Wisconsin state riverway board 60 days before constructing, modifying or relocating a high-voltage transmission line, as defined in s. 30.40 (3r), in the lower Wisconsin state riverway, as defined in s. 30.40 (15), if the public utility or cooperative association is not required to file a plan with the commission under s. 196.491 for that facility.

(2) The plan may be an appropriate portion of a single regional plan and may be prepared jointly by 2 or more public utilities, 2 or more cooperative associations, or any combination of public utilities and cooperative associations.

(3) The plan shall include the information specified in 196.491 (2) (a) 1 to 8.

(4) The lower Wisconsin state riverway board shall approve the plan, if it determines that the high-voltage transmission line, as defined in s. 30.40 (3r), will not impair, to the extent practicable, the scenic beauty or the natural value of the lower Wisconsin state riverway.

(5) The lower Wisconsin state riverway board may not require that a high-voltage transmission line, as defined in s. 30.40 (3r), be placed underground in order for it to approve a plan under sub. (4).

(6) If the plan does not meet the criteria under sub. (4), the lower Wisconsin state riverway board shall reject the plan or approve the plan with any modifications that are necessary for an affirmative determination under sub. (4).

SECTION 2478. 196.675 (1) of the statutes is amended to read:

196.675 (1) No common carrier operating within this state and no public utility, except a municipal public utility, may retain or employ ~~a district attorney or an assistant district attorney~~, city attorney or assistant city attorney or any person holding a judicial office.

SECTION 2479. 196.675 (2) of the statutes is amended to read:

196.675 (2) If any ~~district attorney or~~ assistant district attorney, city attorney or assistant city attorney or any person holding a judicial office violates this section, the attorney's or judge's office shall be deemed vacant.

SECTION 2480. 197.20 of the statutes is repealed.

SECTION 2480r. 215.02 (1) of the statutes is amended to read:

215.02 (1) QUALIFICATIONS, APPOINTMENT AND DUTIES OF DEPUTY COMMISSIONER. No person is eligible for appointment as deputy commissioner unless he or she has had at least ~~3 years~~ one year of actual experience in a savings and loan association, or serving in a savings and loan supervisory authority, or a combination of both. The commissioner shall appoint the deputy commissioner subject to s. 15.04 (2) and (3). The deputy commissioner shall possess all powers and perform the duties of the commissioner during a vacancy in that office and during the absence of or inability of the commissioner to serve.

SECTION 2481. 215.02 (6) (a) (intro.) of the statutes is amended to read:

215.02 (6) (a) (intro.) The commissioner, and all ~~other officers and~~ employees of the office, and members of the review board shall keep ~~secret~~ confidential all the facts and information obtained in the course of examinations by the office and all examination and other confidential information obtained from any state or federal regulatory authority, including an authority of this state or another state, for financial institutions, mortgage bankers, insurance or securities, except:

SECTION 2482. 215.02 (6) (a) 4. a of the statutes is amended to read:

215.02 (6) (a) 4. a. Furnish to the federal home loan bank board or federal savings and loan insurance corporation or to any official or examiner thereof a copy of any examination made by the office of any association or of any report made by such association and filed with the office.

SECTION 2483. 215.02 (6) (a) 6 of the statutes is created to read:

215.02 (6) (a) 6. The commissioner may disclose to any regulatory authority of this state or another state for financial institutions, mortgage bankers, insurance or securities facts and information obtained in the course of examinations by the office, if the regulatory authority agrees to keep the facts and information confidential.

SECTION 2484. 215.02 (6) (b) of the statutes is amended to read:

215.02 (6) (b) If any person mentioned in par. (a) discloses the name of any debtor of any association or any information about the private account or transactions of such association, ~~or discloses any fact obtained in the course of any examination of any association, or discloses examination or other confidential information obtained from any state or federal regulatory authority, including an authority of this state or another state, for financial institutions, mortgage bankers, insurance or securities,~~ except as provided in par. (a), he ~~or she~~ shall forfeit his ~~or her~~ office or position and may be fined not less than \$100 nor more than \$1,000, or imprisoned not less than 6 months nor more than 2 years or both.

SECTION 2484a. Subchapter I (title) of chapter 218 of the statutes is repealed and recreated to read:

CHAPTER 218

SUBCHAPTER I

MOTOR VEHICLE DEALERS; SALESPERSONS;

SALES FINANCE COMPANIES

(to precede s. 218.01)

SECTION 2484b. 218.01 (title) of the statutes is amended to read:

218.01 (title) Motor vehicle dealers; salespersons; sales finance companies, licenses; fees; regulations; coercion; subsidies; penalties.

SECTION 2484c. 218.01 (1) (jm) of the statutes is created to read:

218.01 (1) (jm) "License period" means the period during which a particular type of license described in sub. (2) (d) is effective, as established by the department or commissioner under sub. (2) (cm) 2 or 4.

SECTION 2484d. 218.01 (1) (p) of the statutes is amended to read:

218.01 (1) (p) "Motor vehicle ~~salesman~~ salesperson" means sales representative, sales manager, general manager or other person who is employed by a motor vehicle dealer for the purpose of selling or approving retail sales of motor vehicles. Any motor vehicle ~~salesman~~ salesperson licensed hereunder shall be licensed to sell only for one dealer at a time.

SECTION 2484e. 218.01 (2) (a) of the statutes is amended to read:

218.01 (2) (a) No motor vehicle dealer, motor vehicle ~~salesman~~ salesperson or sales finance company shall engage in business as such in this state without a license therefor as provided in this section. If any motor vehicle dealer acts as a motor vehicle ~~salesman~~ salesperson, he ~~or she~~ shall secure a motor vehicle ~~salesman's~~ salesperson's license in addition to a license

for motor vehicle dealer. Every motor vehicle dealer shall be responsible for the licensing of every motor vehicle ~~salesman~~ salesperson in his or her employ.

SECTION 2484f. 218.01 (2) (c) 1 of the statutes is amended to read:

218.01 (2) (c) 1. Except as provided in subd. 2, all licenses shall be granted or refused within 60 days after the licensor receives the application therefor, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted for the license.

SECTION 2484g. 218.01 (2) (cm) of the statutes is created to read:

218.01 (2) (cm) 1. Licenses described in par. (dr) expire on December 31 of the calendar year for which the licenses are granted.

2. The department shall promulgate rules establishing the license period for each type of license described in par. (d) 1 to 6.

3. The department may promulgate rules establishing expiration dates for the various types of licenses described in par. (d) 1 to 6.

4. The commissioner shall promulgate rules establishing the license period for the license described in par. (d) 8.

5. The commissioner may promulgate rules establishing expiration dates for licenses issued under par. (d) 8.

SECTION 2484gg. 218.01 (2) (d) (intro.) and 7 of the statutes are consolidated, renumbered 218.01 (2) (dr) and amended to read:

218.01 (2) (dr) The license fee for licenses for sales finance companies, except as provided in par. (d) 8, for each calendar year, or part thereof, shall be: 7. For sales finance companies on the basis of of a calendar year, is based on the gross volume of purchases of retail sales contracts of motor vehicles sold in this state for the 12 months immediately preceding October 31 of the year in which the application or license is made, as follows: On a gross volume of \$25,000 or less, \$25; on a gross volume of over \$25,000 and not over \$100,000, \$50; on each \$100,000 over \$100,000 and up to \$500,000, an additional \$15; and on each \$100,000 over \$500,000, an additional \$10. No extra charge shall be made for branch licenses for sales finance companies. Gross volume shall be based on the unpaid balance of the retail contracts.

SECTION 2484h. 218.01 (2) (d) (intro.) of the statutes is created to read:

218.01 (2) (d) (intro.) Subject to par. (dm), the fee for licenses described in this paragraph equals the number of years in a license period multiplied by whichever of the following applies:

SECTION 2484j. 218.01 (2) (d) 5 of the statutes is amended to read:

218.01 (2) (d) 5. For motor vehicle ~~salesmen~~ salespersons, \$4.

SECTION 2484k. 218.01 (2) (dm) of the statutes is created to read:

218.01 (2) (dm) 1. If the department or commissioner establishes a license period that is not evenly divisible into years, the department or commissioner shall prorate the remainder when determining the license fee under par. (d).

2. If the department or commissioner grants a license described under par. (d) during the license period, the fee for the license shall equal the applicable dollar amount under par. (d) 1 to 8 multiplied by the number of calendar years, including parts of calendar years, during which the license remains in effect. A fee determined under this subdivision may not exceed the license fee for an entire license period under par. (d).

SECTION 2484L. 218.01 (2) (f) of the statutes is amended to read:

218.01 (2) (f) Every ~~salesman~~ salesperson, factory representative or distributor representative shall carry his or her license when engaged in his business, and display the ~~same~~ license upon request. The license shall name his or her employer, and in case of leaving an employer, the ~~salesman~~ salesperson shall immediately surrender ~~his~~ the license to his or her employer who shall mail the license to the licensor. If during the license ~~year~~ such period the individual again is employed or acts as a ~~salesman~~ salesperson, he or she shall make application for reissue of a ~~salesman's~~ salesperson's license. There shall be no fee in connection with such subsequent applications.

SECTION 2484m. 218.01 (2) (g) of the statutes is amended to read:

218.01 (2) (g) Every sales finance company shall be required to procure a ~~salesman's~~ salesperson's license for itself or its employees in order to sell motor vehicles repossessed by it.

SECTION 2484n. 218.01 (2) (i) of the statutes is amended to read:

218.01 (2) (i) Application for dealers' licenses shall be submitted to the department in duplicate and, except for information relating to the applicant's solvency or financial standing as provided in par. (bb), shall contain such information as the licensors require. Application for sales finance company licenses shall contain such information as the commissioner requires. No motor vehicle dealer or sales finance company, unless so licensed, shall be permitted to register or receive or use registration plates under ss. 341.47 to 341.57. The department shall transmit the duplicate copy of each application for a dealer's license to the commissioner with ~~\$1 for each application fee to cover~~ the fee required under par. (d) 8 and the commissioner shall issue a sales finance company license to the dealer if no prior sales finance company license has been suspended or revoked, and if the applicant meets the requirements of this section relating to sales finance companies.

SECTION 2484o. 218.01 (2) (k) of the statutes is amended to read:

218.01 (2) (k) After the receipt of an application in due form, properly verified and certified, and upon the payment of the \$5 examination fee, ~~it is the duty of the secretary, or the deputy secretary or any salaried employee of the department designated by the said secretary~~ shall, within a reasonable time and in a place reasonably accessible to the applicant for a license, ~~to~~ subject each first-time applicant for license and, if the secretary deems necessary, any applicant for renewal of license, to a personal written examination as to competency to act as a motor vehicle ~~salesman~~. ~~When it is shown from such salesperson. The secretary shall issue to an applicant a resident or nonresident motor vehicle salesperson's license if the application and examination show that the applicant meets all of the following requirements:~~

1. ~~intends~~ Intends in good faith to act as a motor vehicle ~~salesman~~; 2. ~~is~~ salesperson.

2. Is of good reputation; 3. ~~has~~.

3. Has had experience or training in, or is otherwise qualified for, selling motor vehicles; 4. ~~is~~.

4. Is a resident of this state ~~(unless application is for a nonresident motor vehicle salesman's salesperson's license);~~ 5. ~~is~~.

5. Is reasonably familiar with the motor vehicle sales laws or contracts that the applicant is proposing to solicit, negotiate or effect; ~~and 6. is.~~

6. Is worthy of a license, ~~the said secretary shall issue to the applicant a license to transact business in this state as a resident or nonresident motor vehicle salesman.~~

SECTION 2484p. 218.01 (3) (e) of the statutes is amended to read:

218.01 (3) (e) If a licensee is a firm or corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending or revoking a license to such party as an individual. Each licensee shall be responsible for the acts of any or all of his ~~salesmen~~ or her salespersons while acting as his or her agent, if ~~such~~ the licensee approved of or had knowledge of ~~said~~ the acts or other similar acts and after such approval or knowledge retained the benefit, proceeds, profits or advantages accruing from ~~said~~ the acts or otherwise ratified ~~said~~ the acts.

SECTION 2484q. 218.01 (3a) (b) of the statutes is amended to read:

218.01 (3a) (b) If a transporter is convicted under s. 341.55 (3) a ~~second~~ 2nd or subsequent time within the same license year period, the department shall revoke the license of such transporter for a period not to exceed one year.

SECTION 2484r. 218.01 (7a) of the statutes is amended to read:

218.01 (7a) MOTOR VEHICLES. (a) No motor vehicle shall be offered for sale by any motor vehicle dealer or motor vehicle ~~salesman~~ salesperson unless the odometer reading thereon is disclosed in writing by the prior owners and the disclosure is subsequently shown to the retail purchaser by the dealer or ~~salesman~~ salesperson prior to sale. The disclosure requirement does not apply to a moped, motor bicycle, all-terrain vehicle, motor vehicle with a gross weight rating of more than 16,000 pounds, a vehicle 25 or more years old or a new vehicle obtained by the dealer directly from a manufacturer or distributor.

(b) It shall be unlawful for any motor vehicle dealer or motor vehicle ~~salesman~~ salesperson to fail to provide, upon request of a prospective purchaser, the name and address of the prior owner of any motor vehicle offered for sale.

SECTION 2485. 218.015 (2) (e) of the statutes is amended to read:

218.015 (2) (e) The department of revenue shall refund to the manufacturer any sales tax which the manufacturer refunded to the consumer under par. (b) if the manufacturer provides to the department of revenue a written request for a refund along with evidence that the sales tax was paid when the motor vehicle was purchased and that the manufacturer refunded the sales tax to the consumer. The department may not refund any sales tax under this paragraph if it has made a refund in connection with the same motor vehicle under par. (f).

SECTION 2486. 218.015 (2) (f) of the statutes is amended to read:

218.015 (2) (f) The department of revenue shall refund to a consumer described under sub. (1) (b) 1, 2 or 3 all or part of the sales tax paid by the consumer on the purchase of a new motor vehicle, based on the amount of the refund of the purchase price of a new the motor vehicle actually received by the consumer, if all of the following apply:

1. The consumer returned the motor vehicle to its manufacturer and received a refund of all or part of the purchase price but not the corresponding amount of sales tax under par. (b).

2. ~~The contract to purchase the motor vehicle, when new, was entered into on or before April 21, 1986, and the consumer bought the new motor vehicle was bought new on or after November 3, 2, 1983.~~

3. The consumer provides the department of revenue with a written request for a refund of the sales tax along with evidence that the consumer received a certain amount as a refund of the purchase price of the motor vehicle under par. (b) from the manufacturer, that the sales tax was paid when the motor vehicle was bought new and that the manufacturer did not refund the sales tax to the consumer.

SECTION 2487. 218.015 (2) (f) 4 of the statutes is created to read:

218.015 (2) (f) 4. The department of revenue has not made a refund under par. (e) in connection with the motor vehicle.

SECTION 2487da. 218.10 (1g) of the statutes is created to read:

218.10 (1g) "Department" means the department of transportation.

SECTION 2487db. 218.10 (1r) of the statutes is created to read:

218.10 (1r) "License period" means the period during which a license issued under s. 218.11 or 218.12 is effective, as established by the department under s. 218.11 (2) (b) 1 or 218.12 (2) (b) 1.

SECTION 2487dc. 218.11 (2) of the statutes is renumbered 218.11 (2) (a) and amended to read:

218.11 (2) (a) Application for license and renewal license shall be made to the department on ~~such forms as it shall prescribe and furnish and shall be prescribed and furnished by the department,~~ accompanied by the ~~annual license fee of \$50. License shall expire on December 31 of each year and applications for renewal licenses shall be made on or before December 15 next preceding expiration of the current license year~~ required under par. (c) or (d).

SECTION 2487de. 218.11 (2) (b) to (d) of the statutes are created to read:

218.11 (2) (b) 1. The department shall promulgate rules establishing the license period under this section.

2. The department may promulgate rules establishing a uniform expiration date for all licenses issued under this section.

(c) Except as provided in par. (d), the fee for a license issued under this section equals \$50 multiplied by the number of years in the license period. The fee shall be prorated if the license period is not evenly divisible into years.

(d) If the department issues a license under this section during the license period, the fee for the license shall equal \$50 multiplied by the number of calendar years, including parts of calendar years, during which the license remains in effect. A fee determined under this paragraph may not exceed the license fee for the entire license period under par. (c).

SECTION 2487df. 218.12 (title) and (1) of the statutes are amended to read:

218.12 (title) Mobile home dealer salespersons regulated. (1) No person shall engage in the business of selling mobile homes to the ultimate consumer or to the retail market in this state without a license therefor from the department. If a mobile home dealer acts as a mobile home ~~salesman~~ salesperson the dealer shall secure a mobile home ~~salesman's~~ salesperson's license in addition to the license for engaging as a mobile home dealer.

SECTION 2487dg. 218.12 (2) of the statutes is renumbered 218.12 (2) (a) and amended to read:

218.12 (2) (a) Applications for mobile home ~~salesman's~~ salesperson's license and renewals thereof shall be made to the department on such forms as the department prescribes and furnishes and shall be accompanied by the ~~annual license fee of \$4 required under par. (c) or (d).~~ The application shall require such pertinent information as the department 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 2487dh. 218.12 (2) (b) to (d) of the statutes are created to read:

218.12 (2) (b) 1. The department shall promulgate rules establishing the license period under this section.

2. The department may promulgate rules establishing a uniform expiration date for all licenses issued under this section.

(c) Except as provided in par. (d), the fee for a license issued under this section equals \$4 multiplied by the number of years in the license period. The fee shall be prorated if the license period is not evenly divisible into years.

(d) If the department issues a license under this section during the license period, the fee for the license shall equal \$4 multiplied by the number of calendar years, including parts of calendar years, during which the license remains in effect. A fee determined under this paragraph may not exceed the license fee for the entire license period under par. (c).

SECTION 2487di. 218.12 (3), (5) and (6) of the statutes are amended to read:

218.12 (3) Every licensee shall carry his or her license when engaged in his or her business and display the same upon request. The license shall name his or her employer, and in case of a change of employer, the ~~salesman~~ salesperson shall immediately mail his or her license to the licensor who shall ~~indorse~~ endorse such change on the license without charge.

(5) The provision of s. 218.01 (3) relating to the denial, suspension and revocation of a motor vehicle ~~salesman's~~ salesperson's license shall apply to the denial, suspension and revocation of a mobile home ~~salesman's~~ salesperson's license so far as applicable.

(6) The provisions of s. 218.01 (3) (g) and (5) shall apply to this section, mobile home sales practices and the regulation of travel trailer or mobile home ~~salesmen~~ salespersons, as far as applicable.

SECTION 2487dj. 218.20 (1) of the statutes is renumbered 218.20 (1r).

SECTION 2487dk. 218.20 (1) of the statutes is created to read:

218.20 (1) "Department" means the department of transportation.

SECTION 2487dL. 218.20 (1g) of the statutes is created to read:

218.20 (1g) "License period" means the period during which a license issued under s. 218.22 is effective, as established by the department under s. 218.22 (2) (b) 1.

SECTION 2487dm. 218.22 (1) (intro.) of the statutes is amended to read:

218.22 (1) (intro.) The department shall issue a license to the applicant for a motor vehicle salvage dealer's license upon the receipt of a properly completed application form accompanied by a the fee of \$75 required under sub. (2) (c) or (d), upon being satisfied that the applicant is financially solvent or that the applicant has furnished a bond, or other adequate collateral as security, of not less than \$25,000 under conditions provided by s. 218.01 (2) (h), and of good character and:

SECTION 2487dn. 218.22 (2) of the statutes is renumbered 218.22 (2) (a) and amended to read:

218.22 (2) (a) A motor vehicle salvage dealer's license entitles the licensee to carry on and conduct the business of a motor vehicle salvage dealer during the ~~calendar year in which the license is issued. Such license expires on December 31 of the calendar year for which it was issued and may be renewed upon application therefor and upon payment of the annual license fee of \$75 period.~~

SECTION 2487do. 218.22 (2) (b) to (d) of the statutes are created to read:

218.22 (2) (b) 1. The department shall promulgate rules establishing a license period.

2. The department may promulgate rules establishing a uniform expiration date for all licenses issued under this section.

(c) Except as provided in par. (d), the fee for a license issued under this section equals \$75 multiplied by the number of years in the license period. The fee shall be prorated if the license period is not evenly divisible into years.

(d) If the department issues a license under this section during the license period, the fee for the license shall equal \$75 multiplied by the number of calendar years, including parts of calendar years, during which the license remains in effect. A fee determined under this paragraph may not exceed the license fee for the entire license period under par. (c).

SECTION 2487dp. 218.30 of the statutes is renumbered 218.305.

SECTION 2487dq. 218.30 of the statutes is created to read:

218.30 Definitions. In this subchapter:

(1) "Department" means the department of transportation.

(2) "License period" means the period during which a license issued under s. 218.32 is effective, as established by the department under s. 218.32 (2) (b) 1.

SECTION 2487dr. 218.32 (1) of the statutes is amended to read:

218.32 (1) The department shall issue a license certificate to the applicant for a motor vehicle auction dealer's license upon receipt of a properly completed application form accompanied by a the fee of \$50 required under sub. (2) (c) or (d) and upon being satisfied that the applicant is of good character and that, so far as can be ascertained, the applicant has complied with and will comply with the laws of this state with reference to ss. ~~218.30~~ 218.305 to 218.33.

SECTION 2487ds. 218.32 (2) of the statutes is renumbered 218.32 (2) (a) and amended to read:

218.32 (2) (a) A motor vehicle auction dealer's license entitles the licensee to carry on and conduct the business of a motor vehicle auction dealer during the ~~calendar year in which the license is issued. Such license expires on December 31 of the calendar year for which it was issued and may be renewed upon application therefor and upon payment of the annual license fee of \$50 period.~~

SECTION 2487dt. 218.32 (2) (b) to (d) of the statutes are created to read:

218.32 (2) (b) 1. The department shall promulgate rules establishing a license period.

2. The department may promulgate rules establishing a uniform expiration date for all licenses issued under this section.

(c) Except as provided in par. (d), the fee for a license issued under this section equals \$50 multiplied by the number of years in the license period. The fee shall be prorated if the license period is not evenly divisible into years.

(d) If the department issues a license under this section during the license period, the fee for the license shall equal \$50 multiplied by the number of calendar years, including parts of calendar years, during which the license remains in effect. A fee determined under this paragraph may not exceed the license fee for the entire license period under par. (c).

SECTION 2487du. 218.32 (3) (o) of the statutes is amended to read:

218.32 (3) (o) Failure to comply with ss. ~~218.30~~ 218.305 to 218.33.

SECTION 2487dv. 218.40 (1m) of the statutes is created to read:

218.40 (1m) "License period" means the period during which a license granted under s. 218.41 is effective, as established by the department under s. 218.41 (2m) (a) 1.

SECTION 2487dw. 218.41 (2) (b) of the statutes is amended to read:

218.41 (2) (b) The application shall be accompanied by the required fee, which shall not exceed \$50 required under sub. (2m) (b) or (c).

SECTION 2487dx. 218.41 (2) (d) of the statutes is amended to read:

218.41 (2) (d) All licenses shall be granted or refused within 30 days after the department receives the application therefor, and shall expire, unless

~~sooner revoked or suspended, on December 31 of the calendar year for which they are granted for the license.~~

SECTION 2487dy. 218.41 (2m) of the statutes is created to read:

218.41 (2m) (a) 1. The department shall promulgate rules establishing a license period.

2. The department may promulgate rules establishing a uniform expiration date for all licenses granted under this section.

(b) The department shall establish by rule the amount of the fee for a license granted under this section. The fee may not exceed a total of \$50 per year for each year that the license is effective. The fee shall be prorated if the license period is not evenly divisible into years.

(c) If the department grants a license under this section during the license period, the fee for the license shall equal the annual amount established under par. (b) multiplied by the number of calendar years, including parts of calendar years, during which the license remains in effect. A fee determined under this paragraph may not exceed the total license fee for the entire license period under par. (b).

SECTION 2487dz. 218.50 (1m) of the statutes is created to read:

218.50 (1m) "Buyer identification card period" means the period during which a buyer identification card issued under s. 218.51 is effective, as established by the department under s. 218.51 (3) (b) 1.

SECTION 2487ea. 218.51 (2) of the statutes is amended to read:

218.51 (2) A buyer identification card entitles a cardholder to purchase or submit bids for the purchase of a motor vehicle from a motor vehicle salvage pool during the calendar year in which the buyer identification card is issued. ~~A buyer identification card expires on December 31 of the calendar year for which it was issued period.~~

SECTION 2487eb. 218.51 (3) of the statutes is renumbered 218.51 (3) (a) and amended to read:

218.51 (3) (a) The department shall administer this section and specify the form of the application for a buyer identification card, and the information required to be provided in the application ~~and the amount of the annual fee for issuance of a buyer identification card.~~

SECTION 2487ec. 218.51 (3) (b) to (d) of the statutes are created to read:

218.51 (3) (b) 1. The department shall promulgate rules establishing the buyer identification card period.

2. The department may promulgate rules establishing a uniform expiration date for all buyer identification cards issued under this section.

(c) The department shall establish by rule the amount of the fee for a buyer identification card issued under this section.

(d) If the department issues a buyer identification card under this section during the buyer identification card period, the fee for the buyer identification card shall equal the amount established under par. (c), expressed at an annual rate, multiplied by the number of calendar years, including parts of calendar years, during which the buyer identification card remains in effect. A fee determined under this paragraph may not exceed the total buyer identification card fee for the entire buyer identification card period under par. (b).

SECTION 2487m. 220.02 (1) of the statutes is amended to read:

220.02 (1) The commissioner shall appoint a deputy subject to s. 15.04 (2) and (3). No person may be appointed deputy commissioner who has not had actual practical experience for at least one year, either as an executive officer in a bank, or service in a banking supervisory authority, or a combination of both. The deputy shall possess all powers and perform the duties attached to the office of commissioner during a vacancy thereof and during the absence or inability of the commissioner. The commissioner may also employ such examiners and other personnel to assist him or her and the deputy in the discharge of the several duties imposed upon the commissioner by this chapter as he or she finds necessary, and who shall perform such other duties as the commissioner directs.

SECTION 2487p. 221.58 (5) of the statutes is renumbered 221.58 (5) (a) and amended to read:

221.58 (5) (a) If Except as provided in par. (b), if a regional state bank holding company acquires an in-state bank holding company that owns one or more in-state banks that have been chartered on or after May 9, 1986, and that have been in existence for less than 5 years, the regional state bank holding company shall divest itself of those in-state banks within 2 years after the date of acquisition of the in-state bank holding company by the regional state bank holding company.

SECTION 2487q. 221.58 (5) (b) of the statutes is created to read:

221.58 (5) (b) Paragraph (a) does not apply to an in-state bank that is chartered on or after May 9, 1986, and owned by an in-state bank holding company that is acquired by a regional state bank holding company if the in-state bank is the surviving bank of a merger with an in-state bank chartered before May 9, 1986.

~~SECTION 2487s. 224.035 of the statutes is created to read:~~

~~224.035 Unauthorized banking; statutory constructive trust. If a person who is not a financial institution, as defined in s. 795.01 (3), is doing a banking business, as defined in s. 224.02, regardless of whether the person is accepting money on deposit as a regular business, and if a depositor is a natural person, proceeds deposited with and held by the person on deposit and account proceeds repaid by the person to the depositor~~

Vetoed
in Part

Vetoed
in Part

~~for are statutory constructive trust property. A person who is not a financial institution and is doing a banking business holds statutory constructive trust property as trustee for the benefit of the depositor.~~

SECTION 2488. 227.01 (1) of the statutes is amended to read:

227.01 (1) "Agency" means a board, commission, committee, department or officer in the state government, except the governor, a district attorney or a military or judicial officer.

SECTION 2488e. 227.01 (13) (e) of the statutes is amended to read:

227.01 (13) (e) Relates to the construction or maintenance of highways or bridges, except as provided in s. ss. 84.11 (1r) and 85.025.

SECTION 2488m. 227.01 (13) (zg) of the statutes is created to read:

227.01 (13) (zg) Designates under s. 30.41 the lower Wisconsin state riverway.

SECTION 2488s. 227.01 (13) (zh) of the statutes is created to read:

227.01 (13) (zh) Implements the standard for the lower Wisconsin state riverway as required under s. 30.455 (2) (c).

SECTION 2489. 227.03 (2) of the statutes is amended to read:

227.03 (2) Except as provided in s. 108.105, only the provisions of this chapter relating to rules are applicable to matters arising out of s. 40.65 (2), 56.07 (7), 56.21, 66.191, 1981 stats., 101.22 or, 144.445, ch. 102, 303.07 (7) or 303.21 or subch. II of ch. 107 or ch. 102, 108 or 949.

SECTION 2490. 227.03 (4) of the statutes is amended to read:

227.03 (4) The provisions of this chapter relating to contested cases do not apply to proceedings involving the revocation of aftercare, parole or probation, grant of probation, prison discipline or mandatory release under s. 53.14 302.11 or any other proceeding involving the care and treatment of a resident or an inmate of a correctional institution.

SECTION 2490c. 227.15 (2) (intro.) of the statutes is amended to read:

227.15 (2) ROLE OF LEGISLATIVE COUNCIL STAFF. (intro.) The legislative council staff shall, within 20 working days following receipt of a proposed rule, review the proposed rule in accordance with this subsection. With the consent of the executive secretary director of the legislative council staff, the review period may be extended for an additional 20 working days. The legislative council staff shall act as a clearinghouse for rule drafting and cooperate with the agency and the revisor to:

SECTION 2490g. 227.24 (1) (e) of the statutes is created to read:

227.24 (1) (e) An agency that promulgates a rule under this subsection shall do all of the following:

1. Prepare a plain language analysis of the rule in the format prescribed under s. 227.14 (2) and print the plain language analysis with the rule when it is published.

2. Prepare a fiscal estimate of the rule in the format prescribed under s. 227.14 (4) and mail the fiscal estimate to each member of the legislature not later than 10 days after the date on which the rule is published.

SECTION 2490L. 227.24 (3) of the statutes is amended to read:

227.24 (3) FILING. An agency shall file a rule promulgated under sub. (1) as provided in s. 227.20, shall mail a copy to each member of the legislature at the time that the rule is filed and shall take any other step it considers feasible to make the rule known to persons who will be affected by it. The revisor shall insert in the notice section of each issue of the register a brief description of each rule under sub. (1) that is currently in effect. Each copy, notice or description of a rule promulgated under sub. (1) (a) shall be accompanied by a statement of the emergency finding by the agency or by a statement that the rule is promulgated at the direction of the joint committee for review of administrative rules under s. 227.26 (2) (b).

SECTION 2491. 227.40 (2) (e) of the statutes is amended to read:

227.40 (2) (e) Proceedings under s. 66.191, 1981 stats., or s. 40.65 (2), 56.07 (7), 56.21, 101.22, 303.07 (7) or 303.21 or ss. 227.52 to 227.58 or under ch. 102, 108 or 949 for review of decisions and orders of administrative agencies if the validity of the rule involved was duly challenged in the proceeding before the agency in which the order or decision sought to be reviewed was made or entered.

SECTION 2491m. 230.03 (2) (b) of the statutes is amended to read:

230.03 (2) (b) Eliminating a substantial disparity between the proportion of members of racial and ethnic, gender or handicap groups either in job groups within the classified civil service determined by group- ing classifications according to similar responsibilities, pay ranges, nature of work, other factors recognized in the job evaluation process and any other factors the department considers relevant, or in similar functional groups in the unclassified service, and the proportion of members of racial and ethnic, gender or handicap groups in the relevant labor pool.

SECTION 2491o. 230.03 (5) of the statutes is repealed.

SECTION 2491q. 230.03 (10r) of the statutes is created to read:

230.03 (10r) "Job group" means a set of classifications combined by the department on the basis of similarity in responsibility, pay range and nature of work.

SECTION 2491r. 230.04 (1) of the statutes is amended to read:

230.04 (1) The secretary is charged with the effective administration of this chapter. All powers and duties, necessary to that end, which are not exclusively

vested by statute in the commission, the administrator, ~~the board~~ or appointing authorities, are reserved to the secretary.

SECTION 2491s. 230.04 (6) of the statutes is repealed.

SECTION 2492d. 230.04 (13) (d) of the statutes is repealed.

SECTION 2492f. 230.04 (13) (e) of the statutes is created to read:

230.04 (13) (e) On or before September 30 annually beginning in 1989, prepare and submit to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) a report that includes all of the following information for the fiscal year preceding the date that the report is due:

1. A description of each agency's effort during that fiscal year to employ under s. 230.147 persons who received aid under s. 49.19.

2. The number of persons receiving aid under s. 49.19 who were employed by each agency under s. 230.147 during that fiscal year and the job title or classification of each position filled under s. 230.147.

SECTION 2492m. 230.04 (15) of the statutes is created to read:

230.04 (15) The secretary shall review and either approve or disapprove each determination by an agency head regarding the classification of a state employee as a protective occupation participant for purposes of the Wisconsin retirement system.

SECTION 2493. 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 successfully 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, understanding the concerns of state employees with children and, the supervisor's role in management and the concept of the total quality leadership process, including quality improvement through participatory management.

SECTION 2493e. 230.046 (10) of the statutes is renumbered 230.046 (10) (b) (intro.) and amended to read:

230.046 (10) (b) (intro.) The department may ~~conduct~~ do all of the following:

1. Conduct off-the-job employee development and training programs and in cooperation with the appointing authorities shall coordinate state-sponsored employee development training programs.

SECTION 2493g. 230.046 (10) (a) and (b) 2 and 3 of the statutes are created to read:

230.046 (10) (a) In this subsection, "local governmental unit" means a political subdivision of this state, a special purpose district in this state, an agency or corporation of such a political subdivision or special purpose district, or a combination or subunit of any of the foregoing.

(b) 2. Offer employee development and training programs under subd. 1 to employees of local governmental units, if the employees of the local governmental units are enrolled only as space is available and the local governmental units pay the same fees for the program as are charged for state employees.

3. Charge fees to state agencies and local governmental units whose employees participate in employee development and training programs under this subsection.

SECTION 2494. 230.048 (1) of the statutes is renumbered 230.048 (2) (intro.) and amended to read:

230.048 (2) (intro.) The department ~~shall develop a pilot proposal for administration of a~~ may make grants to day care facility providers, including cooperatives, in connection with day care facilities located at or near a place of employment for state employees, to provide if the day care providers agree to do all of the following:

(a) Provide day care services for children of state employees. ~~The department shall contract with one or more day care providers who shall operate the day care facility. The day care provider shall charge~~

(b) Charge a fee to state employee persons whose children receive day care services at the facility. A day care provider shall set or subsidize the fees charged under this paragraph based on the person's ability to pay, according to rules established by the department under sub. (4) (a).

Vetoed
in Part

SECTION 2495. 230.048 (1) of the statutes is created to read:

230.048 (1) In this section, "cooperative" means a cooperative established under ch. 185 by state employees for the purpose of providing day care to children of state employees.

SECTION 2496. 230.048 (2) of the statutes is renumbered 230.048 (3) (a) and amended to read:

230.048 (3) (a) The department ~~shall~~ may only fund the start-up salaries of costs associated with day care facility staff and the costs of, equipment and of facility rental and remodeling up to the limits of funds included in the appropriation under s. 20.512 (1) (b) under sub. (2).

~~SECTION 2496g. 230.048 (2) (am) of the statutes is created to read:~~

~~230.048 (2) (am) If necessary to provide viable day care services for children of state employees, provide day care services to children of gainfully employed persons whose household income is less than 70% of the state median income established by the depart-~~

Vetoed
in Part

Vetoed in Part ~~ment of health and social services under s. 46.98 (4) (a).~~

SECTION 2497. 230.048 (2) (c) of the statutes is created to read:

230.048 (2) (c) Become self-supporting within a time period set by the department.

SECTION 2498. 230.048 (3) of the statutes is repealed.

SECTION 2499. 230.048 (3) (b) of the statutes is created to read:

230.048 (3) (b) The department may not grant more than \$50,000 to a day care provider in connection with any one day care facility location.

SECTION 2500b. 230.048 (3m) of the statutes is created to read:

230.048 (3m) On or before June 30, 1990, the department shall make a grant of \$35,000 to an operating day care provider that provides day care services to the children of state employees in the city of Madison. This subsection does not apply after June 30, 1990.

SECTION 2501. 230.048 (4) (intro.) of the statutes is amended to read:

230.048 (4) (intro.) The department shall do promulgate rules to develop criteria regarding all of the following:

SECTION 2502. 230.048 (4) (a) of the statutes is amended to read:

230.048 (4) (a) ~~Contract with day care providers under sub. (1) to set~~ The way a day care provider must set or subsidize fees charged to an employee for day care services under this section according to sub. (2) (b) based on the employee's ability to pay.

Vetoed in Part

SECTION 2503. 230.048 (4) (b) of the statutes is repealed and recreated to read:

230.048 (4) (b) The selection of the day care providers that receive grants under sub. (2).

SECTION 2503d. 230.05 (5) of the statutes is amended to read:

230.05 (5) The administrator shall promulgate rules for the effective operation of the provisions of this subchapter for which responsibility is specifically charged to the administrator. ~~Such rules, except for emergency rules, shall be subject to approval by the board.~~ Notice of the contents of such rules and any modifications thereof shall be given to appointing authorities affected thereby, and such rules and modifications shall also be printed for public distribution.

SECTION 2503f. 230.06 (1) (L) of the statutes is created to read:

Vetoed in Part

230.06 (1) (L) Submit a prompt, written report to the secretary giving the reason for any failure to take affirmative action regarding an appointment to a vacancy to which all of the following apply:

1. Additional names were certified for the vacancy under s. 230.25 (1a).

2. The vacancy is for a position in a job group and there is a substantial disparity between the proportion

of members of racial and ethnic, gender or handicap groups in that job group and the proportion of the members of racial and ethnic, gender or handicap groups in the relevant labor pool.

Vetoed in Part

SECTION 2503h. 230.07 (title) and (1) of the statutes are repealed.

Vetoed in Part

SECTION 2503j. 230.07 (3) to (5) of the statutes are renumbered 230.45 (3) (a) to (c) and amended to read:

Vetoed in Part

230.45 (3) (a) Any matter to be investigated or required to be heard by the board commission under this subsection may be assigned to one or more members of the board commission by the chairman for investigation or hearing and shall be reported to the full board commission for determination. Hearings under this subsection shall be conducted in accordance with the rules of practice and procedure prescribed by the board commission. Each member of the board commission may administer oaths and take testimony. The board commission may examine such public records as it requires in relation to any matter which it has authority to investigate. All state officers and employees shall attend and testify when requested to do so by the board commission.

(b) The board commission may make investigations and hold hearings on its own motion or at the request of interested persons and issue recommendations concerning all matters touching the enforcement and effect of this subchapter and rules prescribed thereunder. If the results of an investigation disclose that the secretary, the administrator, an appointing authority or any other person acted illegally or to circumvent the intent and spirit of the law the board commission may issue an enforceable order to remand the action to the secretary, the administrator or the appointing authority for appropriate action within the law. Any action brought against the secretary, the administrator or an appointing authority for failure to comply with the order of the board commission shall be brought and served within 60 days after the date of the board's findings of the commission.

(c) Any person who appears before the board commission by order under this subsection shall receive the fees and mileage provided for witnesses in civil actions in courts of record for attendance, which shall be audited and paid upon presentation of proper vouchers, but no witnesses subpoenaed at the insistence of parties other than the board commission shall be entitled to compensation from the state for attendance or travel, unless the board commission certifies that their testimony was relevant and material to the matter investigated.

SECTION 2503L. 230.07 (6) and (7) of the statutes are repealed.

SECTION 2504p. 230.08 (2) (e) 1 of the statutes is amended to read:

230.08 (2) (e) 1. Administration — 9 10.

SECTION 2504r. 230.08 (2) (e) 1 of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

230.08 (2) (e) 1. Administration — 9.

SECTION 2504t. 230.08 (2) (e) 1 of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

230.08 (2) (e) 1. Administration — 10.

Vetoed in Part SECTION 2504th. 230.08 (2) (e) 3 of the statutes is renumbered 230.08 (2) (e) 11m and amended to read: 230.08 (2) (e) 11m. Development, Tourism and development — 5.

Vetoed in Part SECTION 2504m. 230.08 (2) (e) 5 of the statutes is amended to read: 230.08 (2) (e) 5. Health and social services — 7.6.

SECTION 2506. 230.08 (2) (e) 7m of the statutes is created to read:

230.08 (2) (e) 7m. Military affairs — 1.

SECTION 2507m. 230.08 (2) (fo) of the statutes is amended to read:

230.08 (2) (fo) The executive secretary director and personnel of the legislative council staff.

SECTION 2507s. 230.08 (2) (fs) of the statutes is amended to read:

230.08 (2) (fs) All deputies of department secretaries appointed under s. 15.04 (2) and executive assistants to department secretaries appointed under s. 15.05 (3), including those appointed by the attorney general, the adjutant general and the superintendent of public instruction.

SECTION 2508m. 230.08 (2) (jm) of the statutes is created to read:

230.08 (2) (jm) The employees of the lower Wisconsin state riverway board.

SECTION 2509. 230.08 (2) (L) 5e of the statutes is created to read:

230.08 (2) (L) 5e. Lottery board.

SECTION 2510. 230.08 (2) (L) 5s of the statutes is created to read:

230.08 (2) (L) 5s. Racing board.

SECTION 2511. 230.08 (2) (pd) of the statutes is amended to read:

230.08 (2) (pd) The chairperson and other members of the parole board established under s. 46.03 (6) (e) commission.

SECTION 2514. 230.08 (2) (qm) of the statutes is amended to read:

230.08 (2) (qm) The executive director, deputy director and at least 3 but not more than 5 assistant directors of the lottery board.

SECTION 2515. 230.08 (2) (qr) of the statutes is amended to read:

230.08 (2) (qr) The director, deputy director and assistant director of the racing board.

SECTION 2516. 230.08 (2) (s) of the statutes is amended to read:

230.08 (2) (s) The director of prison industries in the department of health and social services corrections.

SECTION 2517. 230.08 (2) (sg) of the statutes is created to read:

230.08 (2) (sg) Deputy district attorney and assistant district attorney positions in the office of district attorney.

SECTION 2521m. 230.10 (2) of the statutes is amended to read:

230.10 (2) The compensation plan in effect at the time that a representative is recognized or certified to represent employees in a collective bargaining unit and the employee salary and benefit provisions under s. 230.12 (3) (e) in effect at the time that a representative is certified to represent employees in a collective bargaining unit under subch. V of ch. 111 constitute the compensation plan or employee salary and benefit provisions for employees in the collective bargaining unit until a collective bargaining agreement becomes effective for that unit. If a collective bargaining agreement under subch. V of ch. 111 expires prior to the effective date of a subsequent agreement, and a representative continues to be recognized or certified to represent employees specified in s. 111.81 (7) (a) or certified to represent employees specified in s. 111.81 (7) (b) or (c) in that collective bargaining unit, the wage rates of the employees in such a unit shall be frozen until a subsequent agreement becomes effective, and the compensation plan under s. 230.12 and salary and benefit changes adopted under s. 230.12 (3) (e) do not apply to employees in the unit.

SECTION 2522. 230.13 (1) of the statutes is amended to read:

230.13 (1) Evaluations Examination scores and ranks and other evaluations of applicants.

SECTION 2523. 230.13 (3) of the statutes is amended to read:

230.13 (3) Dismissals, demotions and other disciplinary actions.

SECTION 2524. 230.13 (4) and (5) of the statutes are repealed.

SECTION 2527. 230.145 of the statutes is repealed.

SECTION 2528. 230.147 of the statutes is amended to read:

230.147 Employment of aid recipients. (1) Each appointing authority of an agency with more than 100 authorized permanent full-time equivalent positions shall prepare and implement a plan of action to employ persons who, at the time they commence employment with the agency determined under sub. (4), receive aid under s. 49.19 with the goal of making the ratio of those persons occupying permanent positions in the agency to the total number of persons occupying permanent positions in the agency equal to the ratio of the average case load receiving aid under s. 49.19 in this state in the previous fiscal year, as deter-

mined by the department of health and social services, to the average number of persons in the state civilian labor force in the preceding fiscal year, as determined by the department of industry, labor and human relations.

(2) Each appointing authority of an agency with 100 or fewer authorized permanent full-time equivalent positions is encouraged to employ persons who, at the time ~~they commence employment with the agency~~ determined under sub. (4), receive aid under s. 49.19 to attempt to make the ratio of those per-occupying permanent positions in the agency to the total number of persons occupying permanent positions in the agency equal to the ratio of the average case load receiving aid under s. 49.19 in this state in the previous fiscal year, as determined by the department of health and social services, to the average number of persons in the state civilian labor force in the preceding fiscal year, as determined by the department of industry, labor and human relations.

(3) Notwithstanding subs. (1) and (2), the state fair park board shall make every reasonable effort to employ in permanent full-time equivalent positions persons who, at the time ~~they commence employment with the state fair park board~~ determined under sub. (4), receive aid under s. 49.19. The state fair park board shall consult with the department of employment relations to assure that its efforts under this subsection comply with ch. 230.

SECTION 2529am. 230.147 (4) of the statutes is created to read:

230.147 (4) The determination of when a person is receiving aid under s. 49.19 for the purposes of this section shall be made as follows:

(a) For positions in the classified service, when the person is certified under s. 230.25.

(b) For positions outside of the classified service, when the person begins employment with the agency or state fair park board.

SECTION 2530. 230.15 (1) of the statutes is amended to read:

230.15 (1) Appointments to, and promotions in the classified service, shall be made only according to merit and fitness, which shall be ascertained so far as practicable by competitive examination. ~~When The administrator may waive competitive examination for appointments made under sub. (1m).~~

(1m) (a) Whenever the state becomes responsible for a function previously administered by another governmental agency or a quasi-public or private enterprise, or when positions in the unclassified service, excluding employees of the legislature, are determined to be more appropriately included in the classified service, the administrator shall determine appropriate eligibility and status under s. 230.28. The secretary shall determine appropriate pay, employee benefits and status under s. 230.35 affected positions shall be included in the classified service.

SECTION 2531. 230.15 (1m) (b) and (c) of the statutes are created to read:

230.15 (1m) (b) Whenever a position is included in the classified service under par. (a), the secretary shall determine all of the following:

1. The classification of the position.

2. If the incumbent employee is certified under par. (c), the pay, employee benefits and status under s. 230.35 appropriate for the employee.

(c) 1. Whenever a position is included in the classified service under par. (a), the administrator may waive the requirement for competitive examination under sub. (1) with respect to the position and certify the incumbent employee for appointment to the position in accordance with subd. 2.

2. The administrator may certify an incumbent employee as eligible for appointment under subd. 1 if the administrator determines on the basis of sound personnel management practices that the incumbent is qualified for the position included in the classified service.

3. If an employee is certified under subd. 2, the administrator shall determine the employee's probationary status under s. 230.28.

SECTION 2531m. 230.15 (2) of the statutes is amended to read:

230.15 (2) If a vacancy occurs in a position in the classified service when peculiar and exceptional qualifications of a scientific, professional, or educational character are required, and if presented with satisfactory evidence that for specified reasons competition in such special cases is impracticable, and that the position can best be filled by the selection of some designated person of high and recognized attainments in such qualities, the administrator may waive competition requirements unless the vacancy is to be filled by promotion. ~~Any actions taken under this subsection shall be reported to the board.~~

SECTION 2532m. 230.16 (9) and (10) of the statutes are amended to read:

230.16 (9) The officials in control of state, municipal and county buildings, upon requisition by the administrator, shall furnish without charge adequate rooms and building services for the administration of examinations.

(10) Every reasonable precaution shall be taken to prevent any unauthorized person from gaining any knowledge of the nature or content of the examinations that is not available to every applicant.

SECTION 2533m. 230.19 (2) of the statutes is amended to read:

230.19 (2) If, in the judgment of the administrator, the group of applicants best able to meet the requirements for vacancies in positions in the classified service are available within the classified service, the vacancies shall be filled by competition limited to persons in the classified service who are not employed under s. 230.26 or 230.27 and persons with the right of restoration resulting from layoff under s. 230.34 (2),

unless it is necessary to go outside the classified service to be consistent with an approved affirmative action plan or program. The administrator may also limit competition for promotion to the employees of an agency or an employing unit within an agency if the resulting group of applicants would fairly represent the proportion of members of racial and ethnic, gender or handicap groups in the relevant labor pool for the entire state.

~~SECTION 2537m. 230.25 (1m) (a) (intro.) of the statutes is amended to read:~~

Vetoed
in Part

~~230.25 (1m) (a) (intro.) After certifying names under subs. (1) and (1m), the administrator may engage in expanded certification for a vacancy in a position in a job group that does not fairly represent the proportion of racial and ethnic, gender or handicap groups in the population of this state by doing one or more of the following:~~

SECTION 2545. 230.337 of the statutes is created to read:

230.337 Rights of employees: corrections or parole.

(1) Except as provided in sub. (2), if the position of any employee who serves in a classified position in the department of health and social services on the effective date of this subsection [revisor inserts date], is transferred and is unclassified under 1989 Wisconsin Act (this act), and if the incumbent to the position is not thereafter appointed to the unclassified position, or if the incumbent is appointed to the unclassified position and subsequently terminated for any reason except just cause, the incumbent shall have restoration rights and reinstatement privileges, including the right of displacement if necessary, to a position having a comparable or lower pay rate or range for which the person is qualified in the department of corrections or the division of corrections hearings in the department of administration, as created by 1989 Wisconsin Act (this act). In case of termination, the incumbent shall have 90 days after notice of termination to exercise the rights and privileges.

(2) If any incumbent member of the parole board in the office of the secretary of health and social services on the effective date of this subsection [revisor inserts date], in a classified position is not appointed to the parole commission created by 1989 Wisconsin Act (this act), or if the incumbent member is appointed to the commission and subsequently terminated for any reason except just cause, the incumbent member shall have restoration rights and reinstatement privileges, including the right of displacement if necessary, to a position having a comparable or lower pay rate or range for which the person is qualified which is within the department of corrections, as created by 1989 Wisconsin Act (this act), or the department of health and social services. In the case of termination, the incumbent shall have 90 days after notice of termination to exercise the rights and privileges. The rights and privileges granted under this

subsection are subject to the terms of any collective bargaining agreement that covers the incumbent parole board members.

SECTION 2545g. 230.34 (1) (a) of the statutes is amended to read:

230.34 (1) (a) An employee with permanent status in class or an employee who has served with the state or a county, or both, as an assistant district attorney for a continuous period of 12 months or more may be removed, suspended without pay, discharged, reduced in base pay or demoted only for just cause.

SECTION 2545r. 230.34 (1) (ar) of the statutes is amended to read:

230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent status in class in the classified service and all employees who have served with the state or a county, or both, as an assistant district attorney for a continuous period of 12 months or more, except that for employees in a certified bargaining unit covered by specified in s. 111.81 (7) (a) in a collective bargaining unit for which a representative is recognized or certified, or for employees specified in s. 111.81 (7) (b) or (c) in a collective bargaining unit for which a representative is certified, if a collective bargaining agreement is in effect covering employees in the collective bargaining unit, the determination of just cause and all aspects of the appeal procedure shall be governed by the provisions of the collective bargaining agreement.

SECTION 2546. 230.36 (3) (c) 4 of the statutes is amended to read:

230.36 (3) (c) 4. In the process of making an arrest or investigating any violation or suspected violation of law pursuant to police powers authorized by s. 46.058 (2) or 301.29 (2) and rules adopted pursuant thereto;

SECTION 2546m. 230.44 (1) (c) of the statutes is amended to read:

230.44 (1) (c) *Demotion, layoff, suspension or discharge.* If an employee has permanent status in class, or an employee has served with the state or a county, or both, as an assistant district attorney for a continuous period of 12 months or more, the employee may appeal a demotion, layoff, suspension, discharge or reduction in base pay to the commission, if the appeal alleges that the decision was not based on just cause.

SECTION 2547c. 230.44 (1) (f) of the statutes is created to read:

230.44 (1) (f) *Corrections employee rights.* A determination that a person was discharged from the unclassified service for just cause under s. 230.337.

SECTION 2548. 231.01 (5) (a) 4. c of the statutes is amended to read:

231.01 (5) (a) 4. c. Is owned by one or more governmental units or by one or more organizations described in section 501 (c) (3) of the internal revenue code, as defined in s. ~~71.02 (2) (d)~~ 71.22 (4).

Vetoed
in Part

~~SECTION 231.35 of the statutes is created to read:~~

~~231.35 Rural hospital loan guarantee. (1) In this section:~~

~~(a) "Guaranteed loan" means a loan that the authority guarantees under sub. (3).~~

~~(b) "Hospital services" means medical or social services provided by a hospital and includes day care, hospice care and outpatient treatment.~~

~~(c) "Participating lender" means any person, including the authority, who does all of the following:~~

- ~~1. Makes loans to rural hospitals.~~
- ~~2. Enters into a guarantee agreement with the authority under sub. (6).~~

~~(d) "Rural" means outside a metropolitan statistical area specified under 42 CFR 412.62 (h) (A).~~

~~(e) "Rural hospital loan fund" means the fund established under s. 231.36.~~

~~(2) A person is eligible for a guarantee under this section if the person is one of the following:~~

~~(a) A nonprofit rural hospital with fewer than 100 beds.~~

~~(b) A cooperative organized under ch. 185 that consists of one or more rural hospitals, each with fewer than 100 beds.~~

~~(3) Subject to sub. (4), the authority may guarantee a loan under this section if all of the following apply:~~

~~(a) The borrower is eligible for a guarantee under sub. (2).~~

~~(b) The borrower will use the proceeds of the loan to finance the acquisition, construction, remodeling or conversion of space at a hospital, or the acquisition or construction of equipment, to provide hospital services.~~

~~(c) Not more than 25% of the proceeds of the loan will be used to refinance a previous loan that financed the acquisition, construction, remodeling or conversion of space at a hospital to provide hospital services.~~

~~(d) The principal amount of the loan is at least \$100,000, but not more than \$1,000,000.~~

~~(e) The loan is made by a participating lender.~~

~~(f) The borrower pays to the authority, for deposit into the rural hospital loan fund, a service charge in an amount determined by the authority but not exceeding 0.5% of the total principal amount of the loan.~~

~~(4)(a) 1. Except as provided in subd. 2, the authority shall guarantee payment or collection of 90% of the principal of loans guaranteed under sub. (3).~~

~~2. The authority may guarantee payment or collection of the entire principal amount of a loan guaranteed under sub. (3), if the authority determines that guaranteeing the entire principal amount of the loan will increase the availability of credit to the borrower.~~

~~(b) The total principal amount of all loans that the authority may guarantee under sub. (3), during the period ending on June 30, 1991, may not exceed \$5,000,000.~~

~~(5)(a) A participating lender shall determine when a guaranteed loan is in default, except that a guaranteed loan that is not repaid in full at the end of the loan's term is in default.~~

~~(b) In the event of a default on a guaranteed loan, the authority shall pay to the participating lender, from the rural hospital loan fund and in accordance with the terms and conditions of the guarantee agreement entered into under sub. (6), whichever of the following applies:~~

~~1. For a loan guaranteed under sub. (4)(a) 1, 90% of the unpaid principal amount of the defaulted guaranteed loan.~~

~~2. For a loan guaranteed under sub. (4)(a) 2, all of the unpaid principal amount of the defaulted guaranteed loan.~~

~~(c) Payments under par. (b) may not include any interest, origination fees or other charges relating to the guaranteed loan or any collection costs incurred by the participating lender.~~

~~(6)(a) The authority shall enter into a guarantee agreement with any person who makes loans described under sub. (3)(b) and who wishes to have those loans guaranteed under this section. The authority may determine all of the following, consistent with this section:~~

~~1. The form of the agreement.~~

~~2. Any conditions upon which the authority may refuse to enter into such an agreement.~~

~~3. The procedure for making a demand for payment under the guarantee agreement, or for payment by the authority under the guarantee agreement, in the event of a default of a guaranteed loan.~~

~~4. Whether the guarantee is a guarantee of collection or payment.~~

~~5. Any procedures required to carry out the agreement.~~

~~(b) The authority may use money from the rural hospital loan fund to guarantee loans that it makes for the purposes described in sub. (3)(b), if the authority sets out the terms and conditions of the guaranty in a document. The document developed by the authority under this paragraph shall be considered a guarantee agreement for the purposes of this section.~~

~~(c) The authority may not use any moneys other than those in the rural hospital loan fund to guarantee a loan under this section.~~

~~(7) Recognizing its moral obligation to do so, the legislature expresses its expectation and aspiration that, if ever called upon to do so, it shall make appropriations when and in the amounts necessary to make full and timely payment on guarantees under this section.~~

~~(8) Annually, the authority shall submit to the chief clerk of each house of the legislature for distribution under s. 13.172 (2) a report on the number of loans guaranteed under this section, the annual gross revenues of the borrowers who have received the guaranteed loans, the default rate on those loans and any~~

Vetoed
in Part

Vetoed
in Part

other information on the program under this section which the authority determines is significant.

SECTION 2548h. 231.36 of the statutes is created to read:

231.36 Rural hospital loan fund. There is established under the jurisdiction and control of the authority a rural hospital loan fund consisting of all of the following:

(1) Service charges received by the authority under s. 231.35 (3) (f).

(2) Any moneys appropriated to the authority under s. 20.440 (2) (a) or received by the authority for the rural hospital loan fund.

(3) Any income from investment of moneys in the rural hospital loan fund by the authority under s. 231.17.

SECTION 2548r. 232.05 (3) (b) of the statutes is amended to read:

232.05 (3) (b) Dissolve and wind up its affairs, unless the legislature enacts a law ordering dissolution or except as provided in s. 232.07.

SECTION 2548t. 232.07 of the statutes is repealed and recreated to read:

232.07 Dissolution. (1) The secretary of state shall, on July 1, 1990, issue a certificate of involuntary dissolution for the corporation if the corporation fails to submit to the secretary of state by June 30, 1990, evidence that it has received the Bradley center under s. 232.05 (2) (a). Notwithstanding ss. 232.03 and 232.05, upon issuance of the certificate of involuntary dissolution, the corporation shall cease to exist and may not transact business or exercise the powers under s. 232.05 except as provided in sub. (2).

(2) Promptly upon issuance of the certificate of involuntary dissolution, the corporation shall pay, discharge or make adequate provision for its debts, liabilities and obligations, including any judgment, order or decree which may be entered against it in any pending legal action, and shall transfer all remaining assets to the state. The corporation's existence shall continue for purposes of pending legal actions and s. 181.65.

Vetoed
in Part

SECTION 2549m. 234.03 (18) of the statutes is amended to read:

234.03 (18) Except as provided in sub. (18m) and s. 234.79, to invest any funds held in reserve or sinking funds or any moneys not required for immediate use or disbursement at the discretion of the authority in such investments as may be lawful for fiduciaries in the state, if at least 50% of any funds held in any reserve or sinking fund be invested in obligations of the state or of the United States or agencies or instrumentalities of the United States or obligations, the principal and interest of which are guaranteed by the United States or agencies or instrumentalities of the United States.

SECTION 2550. 234.265 (2) of the statutes is amended to read:

234.265 (2) Records or portions of records consisting of personal or financial information provided by a person seeking a grant or loan under s. 234.08, 234.49, 234.59, 234.65, 234.70, 234.90 or, 234.905 or 234.907, seeking financial assistance under ss. 234.75 to 234.807, seeking investment of funds under s. 234.03 (18m) or in which the authority has invested funds under s. 234.03 (18m), unless the person consents to disclosure of the information.

SECTION 2551. 234.59 (3) (a) of the statutes is renumbered 234.59 (3) (a) 1 and amended to read:

234.59 (3) (a) 1. The Except as provided in subd. 2, the amount of a homeownership mortgage loan may not exceed the lesser of 95% of the purchase price or 95% of the appraised value of the eligible property.

SECTION 2552. 234.59 (3) (a) 2 of the statutes is created to read:

234.59 (3) (a) 2. The amount of a homeownership mortgage loan that is insured under the mortgage insurance provisions of the national housing act under 29 USC 1707 to 1715z-20 may not exceed the lesser of 97% of the purchase price or 97% of the appraised value of the eligible property.

SECTION 2553. 234.59 (3) (b) 1. a of the statutes is amended to read:

234.59 (3) (b) 1. a. A homeownership mortgage loan may not be made to any applicant whose income combined, except as provided in subd. 1. b, with the income from all sources of all adults persons who intend to ~~purchase an eligible property or~~ to occupy the same dwelling unit as that applicant, exceeds 110% of the median income of the county where the eligible property for which the applicant seeks a loan is located.

SECTION 2554. 234.59 (3) (b) 1. b of the statutes is amended to read:

234.59 (3) (b) 1. b. For the purpose of subd. 1. a 1, no earned income of any ~~child or parent of an minor who will occupy the same dwelling unit as the applicant~~ may be considered ~~unless the child or parent applies for a homeownership mortgage loan in conjunction with the applicant.~~

SECTION 2555am. 234.60 (5) of the statutes is renumbered 234.60 (5) (b) and amended to read:

234.60 (5) (b) No bonds or notes may be issued under this section after ~~December 31, 1988~~ the date determined under par. (a), except bonds or notes issued to refund outstanding bonds or notes issued under this section.

SECTION 2555b. 234.60 (5) (a) of the statutes is created to read:

234.60 (5) (a) The secretary of administration shall determine the date after which no bond or note issued may be treated as a qualified mortgage bond under 26 USC 143 (a) (1).

SECTION 2555m. 234.65 (2) (c) and (3) (a) of the statutes are created to read:

Vetoed
in Part

234.65 (2) (c) The authority shall give priority to an application for an economic development loan if the business applying for the loan certifies that it will use techniques or processes that reduce or eliminate the use of chlorofluorocarbons, halons or other compounds or substances with ozone depletion weights, as set out in 40 CFR part 82 appendix A, of 0.1 or more.

Vetoed in Part (3) (g) The business that will receive the loan certifies that it will not begin or expand operations using any chlorofluorocarbons, halons or other compounds or substances with ozone depletion weights, as set out in 40 CFR part 82 appendix A, of 0.1 or more.

SECTION 2555r. 234.75 to 234.81 of the statutes are created to read:

234.75 Small business financial assistance; definitions. In ss. 234.75 to 234.81:

Vetoed in Part (1) "Bond principal" means a prime contractor or subcontractor who needs a bond in connection with a bid on an eligible contract or to assure performance or payment under an eligible contract.

(2) "Eligible contract" means a contract entered into with the federal government, this state, a state agency, a local governmental unit or a financially secure business.

Vetoed in Part (3) "Eligible project" means the work to be performed under an eligible contract by a person who seeks financial assistance under ss. 234.765 to 234.775 and 234.785.

Vetoed in Part (4) "Financial assistance fund" means the fund established under s. 234.81.

(5) "Financially secure business" means a business with annual gross revenue of at least \$10,000,000 and that has a high credit rating.

(6) "Local governmental unit" has the meaning given in s. 605.01 (1).

(7) "Minority group member" has the meaning given in s. 560.036 (1) (f).

Vetoed in Part (8) "Relative" has the meaning given in s. 48.02 (15).

(10) "State agency" means any office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law which is entitled to expend moneys appropriated by law, including the legislature and the courts, and the authority, the Bradley center sports and entertainment corporation and the health and educational facilities authority.

234.76 Qualifications for financial assistance. (1) A natural person qualifies for financial assistance under ss. 234.75 to 234.807 if the authority determines that all of the following apply:

(a) The person has a reputation for financial responsibility among his or her creditors and employers and other persons who know the applicant.

(b) The person is a resident of this state.

(c) The person is unable to obtain adequate business financing on reasonable terms and at least one of the following applies:

1. The person's place of business is located in a blighted area, as defined in s. 66.43 (3) (a).

2. The person is a minority group member and the unemployment rate for members of that minority group in this state exceeds a rate that the authority determines is significantly higher than the statewide average rate.

3. The person is a woman and the unemployment rate among women in this state exceeds a rate that the authority determines is significantly higher than the statewide average rate.

4. The person is physically disabled.

(d) The person meets at least one of the requirements of sub. (4).

(2) A person that is not a natural person qualifies for financial assistance under ss. 234.75 to 234.807 if all of the following apply:

(a) The person is at least 51% owned by residents of this state who have a reputation for financial responsibility.

(b) The person is unable to obtain adequate business financing on reasonable terms and at least one of the following applies:

1. The person's place of business is located in a blighted area, as defined in s. 66.43 (3) (a).

2. The person is at least 51% owned by minority group members and the unemployment rate for members of those minority groups in this state exceeds a rate the authority determines is significantly higher than the statewide average rate.

3. The person is at least 51% owned by women and the unemployment rate among women in this state exceeds a rate the authority determines is significantly higher than the statewide average rate.

(c) The person meets at least one of the requirements of sub. (4).

(3) If a person who applies for a guarantee of an equity investment under s. 234.77 or for an equity investment by the authority under s. 234.79 qualifies because of a factor listed in sub. (2) (b) 2 and 3, the person must be at least 51% owned by persons described in those subdivisions after the equity investment to receive financial assistance.

(4) A person meets the requirements of sub. (1) (d) or (2) (c) if at least one of the following applies:

(a) The annual gross revenue of the person, together with any parent, subsidiary or affiliate corporation, does not exceed \$2,500,000.

(b) The person, together with any parent, subsidiary or affiliate corporation, employs fewer than 25 employees on a full-time basis.

234.765 Small business loan guarantees. (1) The authority may use money from the drought assistance and agricultural development loan fund to guarantee a loan if all of the following apply:

(a) The borrower qualifies for financial assistance under s. 234.76.

(b) The lender is a financial institution.

Vetoed in Part

(c) The proceeds of the loan are used primarily to pay expenses necessary to perform on an eligible contract.

(d) The total amount for which the authority may be held liable on the guarantee, including interest and other expenses, does not exceed \$200,000.

(e) The borrower previously applied for a loan on equivalent terms without a guarantee and the application was denied.

Vetoed in Part (f) Subject to sub. (2), the authority's liability on the guarantee ends on or before the end of the term of the eligible contract under par. (c).

(2) The authority may guarantee a loan for a period longer than specified under sub. (1) (f), if it determines that all of the following apply:

(a) The loan will not be made if the term of the guarantee is limited to the term of the eligible contract under sub. (1) (c).

(b) Increasing the term of the guarantee does not greatly increase the chance of liability on the guarantee.

(c) The term of the guarantee does not exceed the term of the loan.

(3) The authority shall establish the terms and conditions of guarantees under this section.

(4) The total principal amount of all loans that the authority may guarantee under this section may not exceed \$5,000,000.

Vetoed in Part **234.77 Small business equity investment guarantee.** (1) Except as provided in sub. (4), the authority may use money from the financial assistance fund to guarantee an equity investment if all of the following apply:

(a) The investment is made in a person who qualifies for financial assistance under s. 234.76.

(b) The total amount for which the authority may be held liable on the guarantee does not exceed the greater of the following:

1. Ten percent of the amount of the equity investment.

2. The amount of \$200,000.

(c) The proceeds of the equity investment are used by the qualified person primarily for paying expenses necessary to perform on an eligible contract.

(2) The authority may not guarantee an equity investment in a person who qualifies under s. 234.76 if any of the following applies:

(a) The investor is the qualified person.

(b) The investor already has an equity investment in the qualified person.

(c) The investor is an officer or otherwise involved in the management of the qualified person.

(d) The investor previously held an equity investment in the qualified person.

(e) The investor previously was an officer or otherwise involved in the management of the qualified person.

(f) The investor is a relative of any of the following:

1. The qualified person.

2. A person who has an equity investment in the qualified person.

3. An officer or a person who is otherwise involved in the management of the qualified person.

(3) The authority shall establish the terms and conditions of guarantees under this section.

(4) The authority may not guarantee an equity investment under this section unless the authority commits, to the sole purpose of paying on the guarantee, an amount of money in the financial assistance fund that is equal to the authority's liability on the guarantee.

(5) If the amount in the drought assistance and agricultural development loan fund is insufficient to cover the amount owed on a loan guarantee under this section, the authority shall pay the amount from uncommitted funds in the agricultural production loan fund under s. 234.91.

234.775 Small business loans. (1) The authority may lend money from the financial assistance fund if all of the following apply:

(a) The person receiving the loan is qualified to receive financial assistance under s. 234.76.

(b) The proceeds of the loan are used primarily to pay expenses necessary to perform on an eligible contract.

(c) The principal amount of the loan does not exceed \$200,000.

(d) Subject to sub. (2), the term of the loan ends on or before the end of the term of the eligible contract required under par. (b).

(2) The authority may make a loan for a period longer than specified under sub. (1) (d) if the authority determines that increasing the term of loan does not greatly increase the risk of default.

(3) The authority shall prepare instruments or agreements to document loans made under this section. The loan documents shall include all of the following:

(a) The interest rate on the loan.

(b) A schedule for disbursing the proceeds of the loan to the qualified person as necessary to perform the eligible contract.

(c) Any other document, term or condition that the authority determines is necessary to secure the loan.

(4) The authority may establish the terms and conditions of a loan issued under this section.

234.78 Long-term small business loan guarantee. (1) Except as provided in sub. (5), the authority may use money from the financial assistance fund to guarantee a loan made by a financial institution if all of the following apply:

(a) The person receiving the loan qualifies for financial assistance under s. 234.76.

Vetoed in Part

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in Part

(b) The amount of the loan is not less than \$5,000 and not more than \$200,000.

(c) The amount for which the authority may be held liable on the guarantee, including interest and other expenses, does not exceed 80% of the total principal amount of the loan.

(d) The proceeds of the loan will be used by the applicant for expenses related to the operation of the business or for the acquisition of machinery and equipment.

(e) The term of the loan is not less than one year and not more than 10 years.

(f) The rate of interest on the loan is not greater than the financial institution's announced prime lending rate, plus 1%.

(g) The authority determines under sub. (2) that the economic impact of the loan is substantial.

(2) Before guaranteeing a loan under this section, the authority shall determine the economic impact of the loan after considering all of the following:

(a) The amount of the guarantee.

(b) The terms of the loan.

(c) The effect of the loan on employment in this state.

(d) Any other factor that the authority considers relevant.

(3) The authority may use money from the financial assistance fund to pay an interest subsidy to a financial institution in connection with a loan guaranteed under this section. An interest subsidy under this section may be for the entire term of the loan, but may not exceed in any year the lesser of the following:

(a) Two percent of the outstanding principal amount of the loan.

(b) The difference between the interest rate on the loan and the announced prime rate charged by the financial institution when the subsidy is paid.

(4) The authority shall establish the terms and conditions of a guarantee under sub. (1) and terms for the payment of interest subsidies under sub. (3).

(5) The authority may not guarantee a loan under this section unless the authority commits, to the sole purpose of paying on the guarantee, an amount of money in the financial assistance fund that is equal to 30% of the authority's liability on the guarantee.

234.785 Small business surety bond guarantee. (1) Except as provided in sub. (4), the authority may use money from the financial assistance fund to guarantee a surety against loss on a bid bond, performance bond or payment bond issued to assure the bid, performance or payment of a bond principal in connection with an eligible contract if all of the following apply:

(a) The bond is issued to a bond principal who qualifies for financial assistance under s. 234.76.

(b) The amount of the bond does not exceed \$200,000.

(c) The total amount for which the authority may be held liable on the guarantee does not exceed 25% of the amount of the bond.

(d) The authority's liability on the guarantee ends on before the end of the term of the eligible contract.

(e) A bond is required to bid on the eligible contract or serve as a prime contractor or subcontractor under the eligible contract.

(f) A bond is not obtainable on reasonable terms and conditions without the guarantee.

(g) The bond principal will not subcontract work accounting for more than 75% of the value of the eligible contract.

(h) The bond principal has never defaulted on a loan provided or guaranteed by the authority.

(i) The authority determines under sub. (2) that the economic impact of the eligible contract is substantial.

(2) Before guaranteeing a bond under this section, the authority shall determine the economic impact of the eligible contract for which the bond is offered after considering all of the following:

(a) The amount of the guarantee.

(b) The terms of the eligible contract.

(c) The effect of the eligible contract on employment in this state.

(d) Any other factors that the authority considers relevant.

(3) The authority shall establish the terms and conditions of a guarantee under this section.

(4) The authority may not guarantee a surety against loss under this section unless the authority commits, to the sole purpose of paying on the guarantee, an amount of money in the financial assistance fund that is equal to the authority's liability on the guarantee.

234.79 Small business equity investment. (1) The authority may use money from the financial assistance fund to make an investment if all of the following apply:

(a) The person receiving the equity investment qualifies for financial assistance under s. 234.76.

(b) The amount of the authority's equity investment in the person does not exceed \$200,000.

(c) The amount of the authority's equity investment in the person does not give the authority ownership of more than 30% of the person.

(d) The authority is satisfied that it will be able to recover its initial investment, plus an adequate return, within 5 years after investing in the person.

(3) Sections 234.03 (18) and 881.01 do not apply to investments under this section.

234.795 Small business technical assistance grant. The authority may make a technical assistance grant from the financial assistance fund if all of the following apply:

(1) The person receiving the grant is qualified to receive financial assistance under s. 234.76.

Vetoed
in Part

(2) The proceeds of the grant will be used to pay for management support services or professional services that, in accordance with sound financial or business practices, are appropriately incurred in connection with starting a business or expanding or acquiring a business.

(3) The amount of the grant does not exceed \$10,000.

Vetoed
in Part

234.80 Applications for small business financial assistance. (1) A person seeking financial assistance under ss. 234.765 to 234.775 shall submit an application in a form established by the authority. The application shall include information about all of the following:

Vetoed
in Part

(a) The eligible project for which the financial assistance is sought.

(b) Known and estimated costs to the person to complete the eligible project.

(c) The amount of investment, including loans, that the person needs to perform the eligible contract.

(d) The funds available to the person to pay the costs and expenses associated with performing the eligible contract, if the person does not receive financial assistance from the authority.

(e) The amount of the financial assistance sought from the authority.

(f) The inability of the person to get equivalent financing on reasonable terms without the authority's financial assistance.

(g) The financial status of the person. The application shall require the person to submit at least the following:

1. A current balance sheet.
2. A profit and loss statement.
3. Credit references.

(2) A financial institution and borrower seeking guarantee of a loan under s. 234.78 shall submit an application in a form established by the authority. The application shall include information about all of the following:

(a) The proposed use or uses of the proceeds of the loan.

(b) The funds available to the borrower if the authority does not guarantee the loan.

(c) The documents to be executed by the financial institution and the borrower in connection with the loan.

(d) The collateral for the loan, together with the value of the collateral certified by the financial institution.

(e) The borrower's inability to get equivalent financing on reasonable terms without the authority's guarantee.

(f) The borrower's financial status, including all of the following:

1. A current balance sheet.
2. A profit and loss statement.

3. Credit references.

(g) The disbursement of the proceeds of the loan.

(h) The schedule for repayment of the loan.

(i) The borrower's experience in the business or trade conducted with the proceeds from the loan.

(j) How the borrower qualifies for financial assistance under s. 234.76.

(k) Any other information that the authority requests.

(3) A bond principal and surety seeking the authority's guarantee for a bond under s. 234.785 shall submit an application in a form established by the authority. The application shall require information about all of the following:

(a) The eligible project for which the bond is to be issued.

(b) Known and estimated costs to the bond principal to complete the eligible project.

(c) The amount of investment, including loans, that the bond principal needs to perform the eligible contract.

(d) The funds available to the bond principal to pay the costs and expenses associated with performing the eligible contract.

(e) The amount of the guarantee sought from the authority.

(f) The inability of the bond principal to get equivalent bonding on reasonable terms without the authority's guarantee.

(g) The financial status of the bond principal. The application shall require the bond principal to submit at least the following:

1. A current balance sheet.
2. A profit and loss statement.
3. Credit references.

(h) The current status of all contracts requiring the bond principal to provide services or goods.

(i) How the bond principal meets the qualifications for financial assistance under s. 234.76.

(j) Any other subjects that the authority requests.

(4) A person seeking an equity investment by the authority under s. 234.79 or a technical assistance grant under s. 234.795 shall submit an application in a form established by the authority. The authority may require the person to provide any information that the authority considers necessary in the application.

(5) Before acting on an application submitted under this section, the authority may require a balance sheet or other financial statement audited by a certified public accountant from any of the following:

(a) For an application under sub. (1), the person requesting the financial assistance.

(b) For an application under sub. (2), the borrower.

(c) For an application under sub. (3), the bond principal.

Vetoed
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in Part

~~(d) For an application under sub. (4), the person requesting the authority to make an equity investment.~~

234.802 Financial assistance; fees. The authority may establish premiums, fees or other charges for providing financial assistance under ss. 234.75 to 234.807.

Vetoed
in Part

~~**234.805 Plan for small business financial assistance.** On or before the first day of the 7th month beginning after the effective date of this section ... [revisor inserts date], the authority shall submit a plan for the administration of ss. 234.75 to 234.807 to the joint committee on finance for approval under s. 13.10. The authority may not expend or encumber money under ss. 234.75 to 234.807, except in accordance with the plan as approved by the joint committee on finance.~~

~~**234.807 Promotion of financial assistance fund.** (1) The authority shall use the funds from the appropriation under s. 20.490 (6) (a) to contract with a person to promote or solicit contributions for the financial assistance fund from any source.~~

~~(2) Funds from the appropriation under s. 20.490 (6) (a) shall be transferred to the authority not more than 3 days after the authority enters into a contract under sub. (1).~~

~~**234.81 Financial assistance fund.** There is established under the jurisdiction and control of the authority a financial assistance fund, consisting of all of the following:~~

~~(1) Money received by the authority for the financial assistance fund from any other source.~~

~~(2) Interest or principal payments received by the authority in connection with loans under s. 234.775.~~

~~(3) Income from investments under s. 234.79 and proceeds from the sale of investments under s. 234.79.~~

~~(4) Fees, premiums or other charges under s. 234.805.~~

~~(5) Income from investment of money in the financial assistance fund by the authority under s. 234.83 (18).~~

SECTION 2555vd. 234.90 (1) (ag) and (cp) of the statutes are created to read:

234.90 (1) (ag) "Dairy plant" has the meaning given in s. 97.20 (1) (a).

(cp) "Milk" has the meaning given in s. 97.22 (1) (e).

SECTION 2555ve. 234.90 (2) (bm) and (j) of the statutes are created to read:

234.90 (2) (bm) If the loan is one for which the borrower is eligible under sub. (3g), the amount of that loan does not exceed the amount of the payment, excluding interest or penalties if any, owed to the borrower by the insolvent or bankrupt dairy plant, subject to par. (b).

(j) If the loan is one for which the borrower is eligible under sub. (3g), the terms of the loan require the borrower to pay to the authorized lender, in repayment of the loan, money received from or on behalf of

the bankrupt or insolvent dairy plant, immediately upon receipt of the money.

SECTION 2555vf. 234.90 (3) (intro.) of the statutes is amended to read:

234.90 (3) ELIGIBLE FARMERS. (intro.) A Except as provided under sub. (3g), a farmer is eligible for a guaranteed loan if all of the following apply:

SECTION 2555vg. 234.90 (3g) of the statutes is created to read:

234.90 (3g) ELIGIBLE DAIRY FARMER. A farmer is eligible for a guaranteed loan under this subsection if all of the following apply:

(a) The farmer has not been paid for milk provided to a dairy plant because of the bankruptcy or insolvency of the dairy plant.

(b) In the judgment of the participating lender, it is reasonably likely that if the farmer receives a guaranteed loan the farmer's assets, cash flow and managerial ability are sufficient to preclude voluntary or involuntary liquidation before April 1 of the calendar year following the calendar year in which the participating lender granted the loan.

(c) The authority has not received a certification under s. 46.255 (7) that the farmer is delinquent in making child support or maintenance payments.

SECTION 2555vh. 234.90 (3m) of the statutes is renumbered 234.90 (3m) (a) and amended to read:

234.90 (3m) (a) A Except as provided in par. (b), a participating lender may extend the term of a loan until no later than June 30 of the calendar year following the calendar year in which the participating lender granted the loan.

SECTION 2555vi. 234.90 (3m) (b) of the statutes is created to read:

234.90 (3m) (b) If a participating lender determines that a farmer is unable to repay a guaranteed loan described in sub. (3g) because the farmer has not been paid for milk provided to an insolvent or bankrupt dairy plant, the participating lender may extend the loan until no later than June 30, 1991.

SECTION 2555vj. 234.90 (3p) of the statutes is created to read:

234.90 (3p) INSTALMENT PAYMENT OF CERTAIN LOANS. An authorized lender may require a borrower to repay a loan described in sub. (3g) in instalments.

SECTION 2555vk. 234.90 (4) (a) of the statutes is amended to read:

234.90 (4) (a). Except as provided in par. (b), the authority shall guarantee repayment of 90% of the principal of any agricultural production loan eligible for guarantee under sub. (2) made to a farmer eligible for a guaranteed loan under sub. (3) or (3g).

SECTION 2555vL. 234.90 (6) (a) of the statutes is renumbered 234.90 (6) (a) (intro.) and amended to read:

234.90 (6) (a) (intro.) A participating lender shall determine when a guaranteed loan is in default, except that any as follows:

1. Any guaranteed loan not repaid in full on or before March 31 of the calendar year following the calendar year in which the participating lender granted the loan is in default unless the term of the loan is extended.

(am) Upon default, if there is any deficiency remaining after the participating lender has enforced to the fullest extent possible the security interest taken in the agricultural commodity resulting from use of the loan proceeds and has collected any proceeds payable from the insurance policy protecting the agricultural commodity resulting from use of the loan proceeds, the participating lender may so notify the authority. The authority may not accept notice of enforcement and deficiency after July 1 of the calendar year following the calendar year in which the participating lender granted the loan, or after 30 days after the termination date of a loan extended under sub. (3m), whichever is later.

SECTION 2555vm. 234.90 (6) (a) 2 of the statutes is created to read:

234.90 (6) (a) 2. A guaranteed loan that is payable in instalments under sub. (3p) is in default if the borrower fails to make 2 consecutive instalment payments.

SECTION 2555vn. 234.90 (6) (b) of the statutes is amended to read:

234.90 (6) (b) Not more than 60 days after accepting notice of enforcement and deficiency under par. (a) (am), the authority shall pay to a participating lender, from the agricultural production loan fund under s. 234.91, the amount of the deficiency.

SECTION 2556. 234.90 (7m) (a) 3 of the statutes is amended to read:

234.90 (7m) (a) 3. An amount equal to the moneys in the agricultural production loan fund that are committed to guarantee cover guarantees of small-business loans under s. 234.765, agricultural production drought assistance loans under s. 234.905 (6) (c) and agricultural development loans under s. 234.907 (4) (c).

SECTION 2557. 234.90 (7m) (b) of the statutes is amended to read:

234.90 (7m) (b) If under par. (a) the authority deducts an amount sufficient to pay outstanding and anticipated claims under this section or to cover agricultural production drought assistance loans guaranteed payments on loan guarantees under ss. 234.765, 234.905 (6) (c) and 234.907 (4) (c), the authority shall transfer moneys to the general fund each calendar quarter as claims are resolved or the agricultural production drought assistance guaranteed loans guaranteed covered under ss. 234.765, 234.905 (6) (c) and 234.907 (4) (c) are paid or resolved, until no balance remains in the agricultural production loan fund.

SECTION 2559d. 234.905 (4) (b) of the statutes is amended to read:

234.905 (4) (b) 1. Except as provided in subd. 2, the total principal amounts of all agricultural production drought assistance loans which the authority may guarantee under par. (a) may not exceed \$35,000,000 \$30,000,000.

2. The authority may request permission from the secretary of administration to increase the total principal amounts of all agricultural production drought assistance loans it may guarantee under this section. The secretary of administration may authorize the increase if the secretary determines that the agricultural production drought assistance and agricultural development loan fund under s. 234.92 and the agricultural production loan fund under s. 234.91 contain sufficient funds to guarantee agricultural production drought assistance loans in the requested total principal amount. If the secretary authorizes the increase, the secretary shall notify the joint committee on finance in writing. The authority may proceed with the proposed increase if within 14 working days after notification the committee does not schedule a meeting to review the proposed increase. If the committee schedules a meeting to review the proposed increase, the increase may not take effect unless the committee approves it.

SECTION 2560. 234.905 (5) of the statutes is amended to read:

234.905 (5) INTEREST REDUCTION. The authority shall pay, from the moneys in the agricultural production drought assistance and agricultural development loan fund under s. 234.92, to each participating lender an amount equal to 3.5% of the principal amount of any guaranteed loan to reduce interest payments on the guaranteed loan paid by a farmer.

SECTION 2561g. 234.905 (6) (b) and (c) of the statutes are amended to read:

234.905 (6) (b) Not more than 60 days after accepting notice of enforcement and deficiency under par. (a), the authority shall pay to a participating lender, from the agricultural production drought assistance and agricultural development loan fund under s. 234.92, the amount of the deficiency.

(c) If the funds in the agricultural production drought assistance and agricultural development loan fund under s. 234.92 are insufficient to pay a deficiency under par. (b), the authority may pay the deficiency from uncommitted funds in the agricultural production loan fund under s. 234.91.

SECTION 2562. 234.905 (7) (b) of the statutes is amended to read:

234.905 (7) (b) Except as provided in sub. (6) (c), the authority may not use any moneys other than those in the agricultural production drought assistance and agricultural development loan fund to guarantee an agricultural production drought assistance loan under this section.

SECTION 2563g. 234.905 (7m) (a) of the statutes, as affected by 1989 Wisconsin Act 2, is amended to read:

234.905 (7m) (a) No later than December 31, 1992, the authority shall transfer to the general fund any balance remaining in the ~~agricultural production drought assistance and agricultural development loan fund~~ on that date, after deducting an amount equal to all claims under this section outstanding on the date of transfer and the amount necessary to fund guarantees of loans under ss. 234.765 and 234.907. When the authority makes the transfer under this paragraph, the executive director of the authority shall provide to the secretary of administration a signed statement listing the amount deducted to fund guarantees under ss. 234.765 and 234.907 and explaining how that amount was calculated.

SECTION 2563h. 234.905 (7m) (b) of the statutes is amended to read:

234.905 (7m) (b) If under par. (a) the authority deducts an amount sufficient to pay outstanding claims under this section, the authority shall transfer moneys to the general fund each calendar quarter as claims are resolved, until no balance money remains in the ~~agricultural production drought assistance and agricultural development loan fund~~ to pay outstanding claims under this section.

SECTION 2564m. 234.905 (9) of the statutes, as affected by 1989 Wisconsin Act 2, is amended to read:

234.905 (9) ANNUAL REPORT. On or before November 1 annually beginning in 1988 and ending in 1992, the authority shall submit to the chief clerk of each house of the legislature for distribution under s. 13.172 (2) a report on the number of ~~agricultural production drought assistance loans made under this section~~ and total dollar amount of guaranteed loans, the default rate on the loans and any other information on the program under this section which the authority determines is significant. The authority shall submit a final report under this subsection on March 1, 1993.

SECTION 2566. 234.907 of the statutes is created to read:

234.907 Agricultural development loan guarantee program. (1) DEFINITIONS. In this section:

(a) 1. "Deficiency" means the guaranteed percentage of the unpaid principal amount of a defaulted guaranteed loan that remains after a participating lender has enforced all security interests under sub. (4) (a).

2. "Deficiency" does not include any interest, any origination fees or other charges relating to the guaranteed loan or any expenses incurred by the participating lender in enforcing any security interest.

(b) "Drought assistance and agricultural development loan fund" means the fund established under s. 234.92.

(c) "Final guaranteed loan" means the last guaranteed loan or small business loan guaranteed under s. 234.765 to come due after the authority is unable to

guarantee new loans because of the limit under sub. (3) (b).

(d) "Guaranteed loan" means a loan on which the authority guarantees collection under sub. (3).

(e) "Participating lender" means a bank, credit union, savings and loan association or other person, who makes loans for working capital or to finance physical plant needs, equipment or machinery and who has entered into an agreement with the authority under sub. (5).

(f) "Percentage of guarantee" means the percentage established by the authority under sub. (3) (a).

(g) "Raw agricultural commodity" means any agricultural, aquacultural, horticultural, viticultural, vegetable, poultry, and livestock products produced in this state, including milk and milk products, bees and honey products, timber and wood products, or any class, variety or utilization of the products, in their natural state.

(h) "Security interest" means an interest in property or other assets which secures payment or other performance of a guaranteed loan.

(2) ELIGIBLE LOANS. A loan made by a participating lender is eligible for guarantee of collection by the authority if all of the following apply:

(a) The loan is made for working capital or to finance any of the following items, if the working capital or item is necessary to, or used to, process or market a product from a raw agricultural commodity produced in this state:

1. Physical plant.
2. Machinery or equipment.
3. Marketing expenses.

(b) The rate of interest on the loan, including any origination fees or other charges, is fixed at a rate determined by the participating lender and approved by the authority.

(c) The total principal amount of all loans to the borrower that are guaranteed under this section will not exceed \$750,000.

(d) The borrower's principal place of operations for processing or marketing a product from a raw agricultural commodity is located in a town, village or city in this state with a population of less than 50,000.

(e) The participating lender obtains a security interest in physical plant, equipment, machinery or other assets.

(f) The loan term does not extend beyond 15 years after the date that the participating lender disburses the loan unless the loan is extended by the authority.

(g) The proceeds of the loan are not applied to the outstanding balance of any other loan.

(h) The loan results in new or more viable methods for the processing or marketing of a product from a raw agricultural commodity.

(i) The borrower does not meet the participating lender's minimum standards of creditworthiness to receive a loan for the purposes described in par. (a) in

the normal course of the participating lender's business.

(j) The participating lender considers the borrower's assets, cash flow and managerial ability sufficient to preclude voluntary or involuntary liquidation for the loan term granted by the participating lender.

(k) The participating lender agrees to the percentage of guarantee established for the loan by the authority.

(3) **GUARANTEE OF COLLECTION.** (a) Subject to par. (b), the authority shall guarantee collection of a percentage, not exceeding 90%, of the principal of any loan eligible for a guarantee under sub. (2). The authority shall establish the percentage of the unpaid principal of an eligible loan that will be guaranteed, using the procedures described in the guarantee agreement under sub. (5) (a). The authority may establish a single percentage for all guaranteed loans or establish different percentages for eligible loans on an individual basis.

(b) The total principal amounts of all loans which the authority may guarantee under par. (a) may not exceed the difference between \$30,000,000 and the total principal amount of agricultural production drought assistance loans guaranteed under s. 234.905 (4).

(4) **DEFAULT.** (a) A participating lender shall determine when a guaranteed loan is in default, except that any guaranteed loan not repaid in full on or before the end of the loan term is in default. Upon default, if a deficiency remains after the participating lender has enforced to the fullest extent possible any security interest and has collected any proceeds payable from any insurance policy protecting the borrower's business, the participating lender may notify the authority of the enforcement and deficiency. The authority may not accept notice of enforcement and deficiency after the 60th day beginning after the guaranteed loan's determined to be in default under this paragraph.

(b) Not more than 60 days after accepting notice of enforcement and deficiency under par. (a), the authority shall pay the amount of the deficiency to a participating lender from the drought assistance and agricultural development loan fund.

(c) If the funds in the drought assistance and agricultural development loan fund are insufficient to pay a deficiency under par. (b), the authority may pay the deficiency from uncommitted funds in the agricultural production loan fund under s. 234.91.

(5) **ADMINISTRATION.** (a) The authority shall enter into a guarantee agreement with any bank, credit union, savings and loan association or other person who wishes to participate and provide loans guaranteed under this section. The authority may determine all of the following, consistent with this section:

1. The form of the agreement.
2. Any conditions under which the authority may refuse to enter into such agreement.

3. Any procedures required to carry out the agreement, including procedures for determining the guaranteed percentage of each loan.

(b) Except as provided in sub. (4) (c), the authority may not use any moneys other than those in the drought assistance and agricultural development loan fund to guarantee a loan under this section.

(c) The authority may establish an eligibility criteria review panel, consisting of agricultural and finance experts, to advise the authority about lending requirements and issues related to the administration of this section.

(6) **MORAL OBLIGATION.** Recognizing its moral obligation to do so, the legislature expresses its expectation and aspiration that, if ever called upon to do so, it shall make an appropriation to meet all demands for funds under this section.

(7) **BALANCE TRANSFER.** (a) On the 180th day beginning after the day that the term of the final guaranteed loan expires, the authority shall transfer to the general fund any balance remaining in the drought assistance and agricultural development loan fund on that date, after deducting an amount sufficient to pay all claims outstanding under this section and ss. 234.765 and 234.905 on the date of the transfer.

(b) If under par. (a) the authority deducts an amount sufficient to pay outstanding claims, the authority shall transfer moneys to the general fund each calendar quarter as claims are resolved, until no balance remains in the drought assistance and agricultural development loan fund.

(8) **ANNUAL REPORT.** On or before November 1 annually beginning in 1989, the authority shall submit to the chief clerk of each house of the legislature for distribution under s. 13.172 (2) a report on the number and total dollar amount of guaranteed loans, the default rate on the loans and any other information on the program under this section that the authority determines is significant.

(9) **PROGRAM TERMINATION.** After the 180th day beginning after the day that the term of the final guaranteed loan has expired, subs. (1) to (8) apply only to outstanding unresolved claims.

SECTION 2567. 234.92 of the statutes is amended to read:

234.92 (title) Drought assistance and agricultural development loan fund. There is established under the jurisdiction and control of the authority ~~an agricultural production~~ a drought assistance and agricultural development loan fund, consisting of both of the following:

(1) Any moneys appropriated to the authority under s. 20.490 (5) (a) or received by the authority for the ~~agricultural production~~ drought assistance and agricultural development loan fund from any other source.

(2) Any income from investment of moneys in the ~~agricultural production~~ drought assistance and agri-

cultural development loan fund by the authority under s. 234.03 (18).

SECTION 2569. Chapter 301 of the statutes is created to read:

CHAPTER 301
CORRECTIONS

301.001 Purposes of chapters. The purposes of this chapter and chs. 302 to 304 are to prevent delinquency and crime by an attack on their causes; to provide a just, humane and efficient program of rehabilitation of offenders and delinquent children; and to coordinate and integrate corrections programs with other social services. In creating the department of corrections, this chapter and chs. 302 to 304, the legislature intends that the state continue to avoid sole reliance on incarceration of offenders and delinquent children and continue to develop, support and maintain professional community programs and placements.

301.01 Definitions. In this chapter and chs. 302 to 304:

(1) "Department" means the department of corrections.

(2) "Prisoner" means any person who is either arrested, incarcerated, imprisoned or otherwise detained in excess of 12 hours by any law enforcement agency of this state, except when detention is pursuant to s. 51.15, 51.20, 51.45 (1) (b) or 55.06 (1) (a). "Prisoner" does not include any person who is serving a sentence of detention under s. 973.03 (4) unless the person is in the county jail under s. 973.03 (4) (c).

(3) "Secretary" means the secretary of corrections.

(4) "State correctional institution" means a state prison under s. 302.01, Ethan Allen school or Lincoln Hills school.

301.02 Institutions governed. The department shall maintain and govern the state correctional institutions.

301.03 General corrections authority. The department shall:

(1) Supervise, manage, preserve and care for the buildings, grounds and other property pertaining to the state correctional institutions and promote the objectives for which they are established.

(2) Supervise the custody and discipline of all prisoners and the maintenance of state correctional institutions and the industries therein.

(3) Administer parole and probation matters, except that the decision to grant or deny parole to inmates shall be made by the parole commission and the decision to revoke probation or parole in cases in which there is no waiver of the right to a hearing shall be made by the division of corrections hearings in the department of administration. The secretary may grant special action parole releases under s. 304.02. The department shall promulgate rules establishing a drug testing program for probationers and parolees. The rules shall provide for assessment of fees upon probationers and parolees to partially offset the costs of the program.

(3m) Monitor compliance with deferred prosecution agreements under s. 971.39.

(4) If requested by the governor, make recommendations as to pardons or commutations of sentence.

(5) Examine all institutions authorized by law to receive and detain witnesses, prisoners or convicted persons, and inquire into all matters relating to their management, including the management of witnesses, prisoners or convicted persons, and the condition of buildings and grounds and other property connected with the institutions.

(6) Direct the correctional psychiatric service in all state correctional institutions, making its services available to those committed to the department as delinquent children or as convicted criminals.

(6m) On or before January 30 of each year, after consultation with the department of health and social services, report to the joint committee on finance and to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), on all of the following:

(a) The number of prisoners transferred to a mental health institute under s. 51.20 (13) (a) 4 and their average length of stay and the number of prisoners transferred to a mental health institute on a voluntary basis and their average length of stay.

(b) The number of prisoners being treated with psychotropic drugs on both a voluntary and involuntary basis and the types of drugs being used.

(c) A description of the mental health services available to prisoners on both a voluntary and involuntary basis.

(7) Direct the educational programs in all state correctional institutions.

(7m) Supervise criminal defendants accepted into the custody of the department under s. 969.02 (3) (a) or 969.03 (1) (a). The department shall charge the county that is prosecuting the defendant a fee for providing this supervision. The department shall set the fee by rule.

(8) Execute the laws relating to the detention, reformation and correction of delinquent children.

(9) Direct the aftercare of and supervise all delinquent children under its jurisdiction and exercise such functions as it deems appropriate for the prevention of crime and delinquency.

(10) Promote the enforcement of the laws for the protection of delinquent children. To this end, the department shall cooperate with courts authorized to exercise jurisdiction under ch. 48 and licensed child welfare agencies and institutions and establish and enforce standards for the development and delivery of social services provided by the department under ch. 48 in regard to children adjudged delinquent.

(11) Establish a driver education program in the Ethan Allen school to provide driver education to inmates of the institution who are about to become eligible to qualify for an operator's license.

- 585 -

(12) Cooperate and coordinate its activities with other state and local agencies to provide educational, social, health and other services to offenders and delinquent children.

301.035 Division of corrections hearings; administrator's general duties. The administrator of the division of corrections hearings in the department of administration shall:

(1) Serve as the appointing authority of the employees of the division under s. 230.06.

(2) Assign hearing examiners from the division to preside over hearings under ss. 48.357 (5), 302.11 (7) and 973.10 and ch. 304.

(3) Assign employees of the division to carry out the division's responsibilities under ss. 48.357 (4) and (5), 48.365, 48.556 and 48.558 (1).

(4) Supervise employees in the conduct of the activities of the division and be the administrative reviewing authority for decisions of the division under ss. 48.357 (5), 48.556, 48.558 (1), 302.11 (7), 973.10 and 973.155 (2) and ch. 304.

(5) After consultation with the department of corrections, promulgate rules relating to the exercise of the administrator's and the division's powers and duties.

301.04 Legal actions. The department may sue and be sued.

301.045 Investigations. The secretary may inquire into any matter affecting corrections and hold hearings, subpoena witnesses and make recommendations on such matters to the appropriate public or private agencies.

301.05 Gifts; trustee duty. The department may:

(1) Accept gifts, grants or donations of money or property from private sources to be administered by the department for the execution of its functions. All moneys so received shall be paid into the general fund and are appropriated as provided in s. 20.410 (1) (i).

(2) Take and hold in trust all property transferred to the state to be applied to any specified purpose, use or benefit pertaining to any of the institutions under its control or the inmates thereof, and apply the same in accordance with the trust.

301.06 Education and prevention. The department may:

(1) Develop and maintain education and prevention programs.

(2) Study causes and methods of prevention and treatment of juvenile delinquency and related social problems, including establishment of demonstration projects to apply and evaluate methods in actual cases. The department may utilize all powers provided by the statutes, including the authority to accept grants of money or property from federal, state or private sources, and enlist the cooperation of other agencies and state departments. The department may enter into agreements with local units of government for the

joint conduct of the demonstration projects and may purchase services if appropriate.

301.07 Cooperation with federal government. The department may cooperate with the federal government in carrying out federal acts concerning youth services and corrections.

301.075 Disbursement of funds and facsimile signatures. Withdrawal or disbursement of moneys deposited in a public depository, as defined in s. 34.01 (5), to the credit of the department or any of its divisions or agencies shall be by check, share draft or other draft signed by the secretary or by one or more persons in the department designated by written authorization of the secretary. The checks, share drafts and other drafts shall be signed personally or by use of a mechanical device adopted by the secretary or the secretary's designees for affixing a facsimile signature. Any public depository shall be fully warranted and protected in making payment on any check, share draft or other draft bearing the facsimile signature notwithstanding that the facsimile signature may have been placed on the check, share draft or other draft without the authority of the secretary or the designees.

301.08 Purchase of care and services. (1) AUTHORIZATION. (a) The department may contract with public or voluntary agencies or others to:

1. Purchase in full or in part care and services which it is authorized by any statute to provide as an alternative to providing such care and services itself.

2. Purchase or provide in full or in part the care and services which county agencies may provide or purchase under any statute and to sell to county agencies such portions thereof as the county agency may desire to purchase.

3. Sell services, under contract, which the department is authorized to provide by statute, to any federally recognized tribal governing body.

(b) The department may:

1. Contract with public, private or voluntary agencies for the purchase of goods, care and services for persons committed or sentenced to a state correctional or penal institution, placed on probation to the department by a court of record, or released from a state correctional or penal institution. Services shall include, but are not limited to, diagnostic services, evaluation, treatment, counseling, referral and information, day care, inpatient hospitalization, transportation, recreation, special education, vocational training, work adjustment, sheltered employment, special living arrangements and legal and protective services.

2. Contract with one public, private or voluntary agency for the supervision, maintenance and operation of one minimum security correctional institution in a county having a population of 500,000 or more. To be eligible, an agency must have prior relevant experience.

(2) RESTRICTIONS. (a) All care and services purchased by the department shall be authorized and contracted for under the standards established under this subsection. For purchases of \$10,000 or less the requirement for a written contract may be waived by the department. No contract is required for care provided by foster homes required to be licensed under s. 48.62. If the department directly contracts for services, it shall follow the procedures in this subsection in addition to meeting purchasing requirements established in s. 16.75.

(b) All care and services purchased shall meet standards established by the department and other requirements specified by purchaser in the contract. Based on these standards the department shall establish standards for cost accounting and management information systems that shall monitor the utilization of those services, and document the specific services in meeting the service plan for the client and the objective of the service.

(c) 1. Purchase of service contracts shall be written in accordance with rules and procedures established by the department. Contracts for client services shall show the total dollar amount to be purchased and for each service the number of clients to be served, number of client service units, the unit rate per client service and the total dollar amount for each service.

2. Payments under a contract may be made on the basis of actual allowable costs or on the basis of a unit rate per client service multiplied by the actual client units furnished each month. The contract may be renegotiated when units vary from the contracted number. The purchaser shall determine actual marginal costs for each service unit less than or in addition to the contracted number.

3. For proprietary agencies, contracts may include a percentage add-on for profit according to rules promulgated by the department.

4. Reimbursement to an agency may be based on total costs agreed to by the parties regardless of the actual number of service units to be furnished, when the agency is entering into a contract for a new or expanded service that the purchaser recognizes will require a start-up period not to exceed 180 days. The reimbursement applies only if identified client needs necessitate the establishment of a new service or expansion of an existing service.

5. If the purchaser finds it necessary to terminate a contract prior to the contract expiration date for reasons other than nonperformance by the provider, actual cost incurred by the provider may be reimbursed for an amount determined by mutual agreement of the parties.

6. Advance payments of up to one-twelfth of an annual contract may be allowed under the contract. If the advance payment exceeds \$10,000, the provider shall supply a surety bond for an amount equal to the amount of the advance payment applied for. No surety bond is required if the provider is a state

agency. The cost of the surety bond shall be allowable as an expense.

(d) For purposes of this subsection and as a condition of reimbursement, each provider under contract shall:

1. Except as provided in s. 46.036 (4) (a), maintain a uniform double entry accounting system and a management information system which are compatible with cost accounting and control systems prescribed by the department.

2. Cooperate with the department and purchaser in establishing costs for reimbursement purposes.

3. Unless waived by the department, biennially, or annually if required under federal law, provide the purchaser with a certified financial and compliance audit report. The audit shall follow standards that the department prescribes. A purchaser may waive the requirements of this subdivision as provided in s. 46.036 (4) (c).

4. Transfer a client from one category of care or service to another only with the approval of the purchaser.

5. Charge a uniform schedule of fees established under s. 46.03 (18) unless waived by the purchaser with approval of the department. Whenever providers recover funds attributed to the client, the funds shall offset the amount paid under the contract.

(e) The purchaser shall recover from provider agencies money paid in excess of the conditions of the contract from subsequent payments made to the provider.

(f) Contracts may be renegotiated by the purchaser under conditions specified in the contract.

(g) The service provider under this section may appeal decisions of the purchaser in accordance with terms and conditions of the contract and ch. 68 or 227.

301.10 Purchases, bills, audits, payments. (1) STEWARD AS BUSINESS MANAGER. The steward of each institution under the control of the department of corrections shall be the local business manager and requisitioning officer, subject to the direction and rules of the department, and within the limits of the approved monthly estimates shall purchase all necessary materials and supplies, as provided in ss. 16.70 to 16.82. The steward shall have the immediate charge of all books, accounts, papers and records relating to the institution's financial management, shall keep detailed accounts of all receipts and expenditures, and shall be responsible for the safekeeping and economical use of all stores and supplies.

(2) CORRECTIONS INSTITUTIONS PREAUDIT; PAYMENTS. Unless otherwise provided by law, no bills may be incurred in the management of the institutions nor be paid until they have been audited by the department of corrections under the supervision of the department of administration. All payments shall be made on the warrant of the department of administration drawn in accordance with the certificate of the proper designated officer of the department of corrections. All claims and accounts, before being certified

to the department of administration by the department of corrections, shall be verified and approved as provided in s. 16.53.

301.11 Reports of corrections institutions. (1) **MONTHLY REPORT.** The officer in charge of each state institution under the control of the department shall report monthly to the department an itemized statement of all receipts and disbursements and of the daily number of inmates, officers, teachers and employes, and of the wages paid to each.

(2) **BIENNIAL REPORT.** On July 1 in each even-numbered year, the officer in charge of each state institution under the control of the department shall submit a report to the department, covering the preceding biennial fiscal term, which includes a summarized statement of the management of every department of the institution and of all receipts and disbursements, and any other information the department requires.

301.12 Uniform fee schedule; collections. The department of corrections shall establish fees for juvenile correctional services which shall be included in the uniform system of fees established by the department of health and social services under s. 46.03 (18). Collections and liability enforcement of fee chargeable services for the department of corrections shall be performed by the department of health and social services under ss. 46.03 (18), 46.10 and 48.36.

301.18 Correctional and other institutions; expansion and establishment of facilities. (1) The department of corrections shall:

(a) Provide the facilities necessary for at least 25 additional beds at Camp Flambeau.

(b) Provide the facilities necessary for at least 45 additional beds for a corrections drug abuse treatment program on the grounds of the Winnebago mental health institute.

(bp) Provide the facilities necessary for not more than 400 beds at the correctional institution under s. 301.16 (1m).

(bx) Provide the facilities necessary for the correctional institution under s. 301.16 (1o).

(d) Provide the facilities necessary for at least 40 additional beds at the Green Bay work release center.

(e) Provide the facilities necessary for at least 20 additional beds at Black river camp.

(f) Provide the facilities necessary for at least 20 additional beds at the Oregon camp.

(g) Provide the facilities necessary for housing to alleviate overcrowding.

(1m) The department of health and social services shall provide the facilities necessary to operate the Wisconsin resource center with 160 beds. The facilities may be used for persons transferred under ch. 302.

(2) In addition to the exemptions under s. 13.48 (13), construction or establishment of facilities necessary to comply with sub. (1) or (1m) 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.

(3) For compliance with this section, the department of corrections may expend moneys authorized under chapter 29, laws of 1977, section 1606c (1) (b) relating to the correctional system which have not been expended or encumbered or moneys available under residual existing general fund supported borrowing, not to exceed \$1,500,000.

(4) Any purchase, lease or construction of additional correctional facilities is subject to prior approval by the building commission and the joint committee on finance.

(5) This section constitutes enumeration in the authorized state building program for purposes of s. 20.924.

(6) The building commission is encouraged and authorized to utilize the most economical and expeditious construction alternatives available to effectuate completion of the construction projects.

301.205 Reimbursement to visiting families. The department may reimburse families visiting girls at Lincoln Hills. If the department decides to provide the reimbursement, it shall establish criteria for the level of reimbursement, which shall include family income and size and other relevant factors.

301.235 Structures, facilities and permanent improvements. (1) In this section unless the context requires otherwise:

(a) "Existing building", in relation to any conveyance, lease or sublease made under sub. (2) (a) 1, 2 and 3, means all detention, treatment, administrative, recreational, infirmary, hospital, vocational and academic buildings; all dormitories and cottages; all storage facilities, heating plants, sewage disposal plants, and such other buildings, structures, facilities and permanent improvements as in the judgment of the secretary are needed or useful for the purposes of the department, and all equipment therefor and all improvements and additions thereto which were erected, constructed or installed prior to making the conveyance, lease or sublease.

(b) "New building", in relation to any conveyance, lease or sublease made under sub. (2) (a) 1, 2 and 3, means all detention, treatment, administrative, recreational, infirmary, hospital, vocational and academic buildings; all dormitories and cottages; all storage facilities, heating plants, sewage disposal plants, and such other buildings, structures, facilities and permanent improvements as in the judgment of the secretary are needed or useful for the purposes of the department, and all equipment therefor and all improvements and additions thereto which are erected, constructed or installed after making the conveyance, lease or sublease.

(c) "Nonprofit corporation" means a nonstock, nonprofit corporation organized under ch. 181.

(2) The department shall have and may exercise the following powers and duties:

(a) In order to provide new buildings and to enable the construction and financing thereof, to refinance indebtedness created by a nonprofit corporation for the purpose of providing a new building or buildings or additions or improvements thereto which are located on land owned by, or owned by the state and held for, the department or on lands of the institutions under the jurisdiction of the department or owned by the nonprofit corporation, or for any one or more of those purposes, but for no other purpose unless authorized by law, the department has the following powers and duties:

1. Without limitation by reason of any other statute, the power to sell and to convey title in fee simple to a nonprofit corporation any land and any existing buildings thereon owned by, or owned by the state and held for, the department or any of the institutions under the jurisdiction of the department for such consideration and upon such terms and conditions as in the judgment of the secretary are in the public interest.

2. The power to lease to a nonprofit corporation for a term or terms not exceeding 50 years each any land and any existing buildings thereon owned by, or owned by the state and held for, the department or any of the institutions under the jurisdiction of the department upon such terms and conditions as in the judgment of the secretary are in the public interest.

3. The power to lease or sublease from the nonprofit corporation, and to make available for public use, any such land and existing buildings conveyed or leased to the nonprofit corporation under subds. 1 and 2, and any new buildings erected upon the land or upon any other land owned by such nonprofit corporation, upon such terms, conditions and rentals, subject to available appropriations, as the secretary determines are in the public interest. With respect to any property conveyed to the nonprofit corporation under subd. 1, the lease from the nonprofit corporation may be subject or subordinated to one or more mortgages of the property granted by the nonprofit corporation.

4. The duty to submit the plans and specifications for all such new buildings and all conveyances, leases and subleases made under this section to the department of administration and the governor for written approval before they are finally adopted, executed and delivered.

5. The power to pledge and assign all or any part of the revenues derived from the operation of the new buildings as security for the payment of rentals due and to become due under any lease or sublease of the new buildings under subd. 3.

6. The power to covenant and agree in any lease or sublease of the new buildings made under subd. 3 to impose fees, rentals or other charges for the use and occupancy or other operation of the new buildings in an amount calculated to produce net revenues suffi-

cient to pay the rentals due and to become due under the lease or sublease.

7. The power to apply all or any part of the revenues derived from the operation of existing buildings to the payment of rentals due and to become due under any lease or sublease made under subd. 3.

8. The power to pledge and assign all or any part of the revenues derived from the operation of existing buildings to the payment of rentals due and to become due under any lease or sublease made under subd. 3.

9. The power to covenant and agree in any lease or sublease made under subd. 3 to impose fees, rentals or other charges for the use and occupancy or other operation of existing buildings in an amount calculated to produce net revenues sufficient to pay the rentals due and to become due under the lease or sublease.

10. The power and duty, upon receipt of notice of any assignment by any such nonprofit corporation of any lease or sublease made under subd. 3, or of any of its rights under any such sublease, to recognize and give effect to the assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by the nonprofit corporation.

(b) The state is liable for accrued rentals and for any other default under any lease or sublease made under par. (a) 3, and may be sued therefor on contract as in other contract actions under ch. 775, except that it is not necessary for the lessor under any such lease or sublease or any assignee of the lessor or any person or other legal entity proceeding on behalf of the lessor to file any claim with the legislature prior to the commencement of any such action.

(c) Nothing in this section empowers the secretary or the department to incur any state debt.

(d) All conveyances, leases and subleases made under this section shall be made, executed and delivered in the name of the department and shall be signed by the secretary and sealed with the seal of the department.

(e) All laws, except ch. 150, conflicting with this section are, insofar as they conflict with this section and no further, superseded by this section.

301.24 Lands; condemnation, easements, leases, sales, purchases. (1) **CONDEMNATION.** When the department is authorized and desires to acquire land and is unable to agree with the owner upon the terms of purchase, or when agreement cannot be had without unreasonable delay, the department may condemn the land in the manner prescribed in ch. 32.

(2) **EASEMENTS.** The department may grant easements for the extension of municipal and public utilities onto the lands of the institutions under its jurisdiction, for the purpose of connecting railroads, roads, waterworks, sewers, electric lines and similar facilities, to serve the institutions.

(3) **LEASES.** The department may lease additional lands for the operation of the institutions under its jurisdiction.

(4) **SALES.** The department, with the approval of the building commission, may sell and convey such lands under the jurisdiction of the department as the secretary deems to be in excess of the present or future requirements of the department for either the operation of its facilities or programs, for the maintenance of buffer zones adjacent to its facilities or for other public purposes. The proceeds of the sales shall be credited to the state building trust fund.

(5) **PURCHASES.** The department, with the approval of and release of state building trust funds by the building commission, may acquire by purchase such lands, together with such improvements as are situated thereon, as the secretary deems necessary for the department's farm programs, or for the purpose of providing adequate buffer zones to its existing facilities, or for the purpose of eliminating flexuous boundaries in cooperation with owners of lands adjoining lands under the department's jurisdiction.

301.26 Payment for damaged employe clothing. The department shall pay its employes for the cost of repairing eyeglasses, watches or articles of clothing damaged in the line of duty if the damage results from any act of a person committed to or confined in any state facility or institution under the jurisdiction of the department. If the eyeglasses, watches or clothes are damaged beyond repair, the department shall pay the actual value of the eyeglasses or clothing as determined by the rules of the department, and the actual value of watches but not to exceed \$50 each. The value of the articles shall be determined as of the time of the damage.

301.27 Meal and other charges; vending stands; commissary; and butter and cheese. (1) **CHARGES.** In compliance with the compensation plan established under s. 230.12 (3), the department may make and determine charges for meals, living quarters, laundry and other services furnished to employes of the state correctional institutions and members of the employe's family maintained as such. All moneys received from each person on account of these services shall be used for operation of the institutions under s. 20.410 (1) (a). If a chaplain employed in any institution administered by the department is not furnished a residence by the state, \$1,800 or 20% of the chaplain's salary, whichever is greater, is designated as his or her housing allowance.

(2) **VENDING STANDS.** The department shall establish and maintain a revolving fund not exceeding \$60,000 in any of the state institutions administered by the department, for the education, recreation and convenience of the patients, inmates and employes, to be used for the operation of vending stands, canteen operations, reading clubs, musical organizations, religious programs, athletics and similar projects. The funds are exempt from s. 20.906, but are subject to

audit by the department and the legislative audit bureau in its discretion.

(3) **COMMISSARY.** With the approval of the governor and the director of personnel, the department, by rule, may provide employes in its institutions with laundry, food, housing and necessary furnishings.

(4) **BUTTER AND CHEESE.** No butter or cheese not made wholly and directly from pure milk or cream, salt and harmless coloring matter may be used in any of the institutions of the department, except for the institution authorized under s. 301.046 (1).

301.285 In-service and work experience training. The department may conduct a program of in-service training and staff development and, in cooperation with educational institutions, provide facilities for work experience for students, including subsistence.

301.29 Bonds of employes; police powers; investigation of complaints. (1) The steward of each institution under the jurisdiction of the department shall execute and file an official bond. The secretary shall prescribe the sum and sureties for the bond. The steward shall also require any other officer or other person having the possession or custody of any money or property belonging to the state or any institution under its control or supervision to give an official bond, and from time to time renew the bond. The secretary may require a position bond whenever it appears advisable to him or her. The position bond shall have the same coverage as the official bond.

(2) The superintendents of all the state correctional institutions, and the employes under them to whom they delegate police power, may arrest any person within or upon the grounds of the institutions whom they have reason to believe guilty of any offense against the laws or regulations governing the institutions; and for that purpose they shall possess the powers of constables.

(3) The department shall investigate complaints against any institution under its jurisdiction or against the officers or employes of the institutions. For that purpose, the secretary and such officers and employes as the secretary authorizes may summon and swear witnesses, take testimony and compel the production of books and papers. On its own initiative, the department may investigate the affairs of any institution. Any written communication or complaint addressed to the secretary by any inmate, employe or subordinate of an institution shall be immediately forwarded unopened to the addressee.

301.30 Inmate wages, allowances and release payments. The department may pay a wage or an allowance and a release payment to inmates at its institutions. The department shall prescribe the amounts of pay and such hours, health and other conditions in connection with employment as are reasonable.

301.31 Wages to prisoners. The department may provide for assistance of prisoners on their discharge;

for the support of their families while the prisoners are in confinement; or for the payment, either in full or ratably, of their obligations acknowledged by them in writing or which have been reduced to judgment by the allowance of moderate wages, to be paid from the operation, maintenance, farm and construction appropriations of the institution in which they are confined. Until the prisoner's final discharge, the funds arising from the wages shall be under the control of the officer in charge of the institution and shall be used for the benefit of the prisoner, the prisoner's family and other obligations specified in this section. Earnings by inmates working in the prison industries and the retention and distribution thereof shall be governed by s. 303.01 (4) and (8).

301.315 Corrections programs report. The department shall report to the joint committee on finance with a proposal to address negative cash balances associated with closed industries or other corrections programs through the use of moneys appropriated under s. 20.410 as of the date of the proposal.

301.32 Property of prisoners and probationers. (1) **PROPERTY DELIVERED TO STEWARD; CREDIT AND DEBIT.** All money including wages and other property delivered to an officer or employe of any institution for the benefit of a prisoner shall be delivered to the steward, who shall enter the property upon his or her books to the credit of a prisoner. The property may be used only under the direction and with the approval of the superintendent or warden and for the crime victim and witness assistance surcharge under s. 973.045 (4) or the benefit of the prisoner. If the money remains uncalled for for one year after the prisoner's death or departure from the institution, the superintendent shall deposit it in the general fund. If any prisoner leaves property, other than money, uncalled for at an institution for one year, the superintendent shall sell the property and deposit the proceeds in the general fund. If any person satisfies the department, within 5 years after the deposit, of his or her right to the deposit, the department shall direct the department of administration to draw its warrant in favor of the claimant and it shall charge the same to the appropriation made by s. 20.913 (3) (bm).

301.33 Freedom of worship; religious ministration. (1) Subject to reasonable exercise of the privilege, members of the clergy of all religious faiths shall have an opportunity, at least once each week, to conduct religious services within the state correctional institutions. Attendance at the services is voluntary.

(2) Every inmate shall receive, upon request, religious ministration and sacraments according to the inmate's faith.

(3) Every inmate who requests it shall have the use of the Bible.

301.335 Treatment records. Section 51.30 applies to treatment records, as defined in s. 51.30 (1) (b), maintained by the department of corrections in regard to children adjudged delinquent. The department has

the same authority, including rule-making authority, with regard to treatment records maintained by the department that is granted to the department of health and social services under s. 51.30.

301.36 General supervision and inspection by department. (1) **GENERAL AUTHORITY.** The department shall investigate and supervise all of the state correctional institutions, including all detention homes for children, and familiarize itself with all of the circumstances affecting their management and usefulness.

(2) **PRISONS.** The department shall visit all places in which persons convicted or suspected of crime are confined, and ascertain their arrangement for the separation of the hardened criminals from juvenile offenders and persons suspected of crime or detained as witnesses; collect statistics concerning the inmates, their treatment, employment and reformation; and collect information of other facts and considerations affecting the increase or decrease of crime.

(3) **INSPECTIONS.** The department shall inquire into the methods of treatment, instruction, government and management of inmates of the institutions mentioned in this section; the conduct of their trustees, managers, directors, superintendents and other officers and employes; the condition of the buildings, grounds and all other property pertaining to the institutions, and all other matters pertaining to their usefulness and management; and recommend to the officers in charge such changes and additional provisions as it deems proper.

(4) **FREQUENCY OF INSPECTIONS.** The department shall inspect and investigate each institution at least annually and, when directed by the governor, it shall conduct a special investigation into an institution's management, or anything connected with its management, and report to the governor the testimony taken, the facts found and conclusions drawn.

(5) **ENFORCEMENT BY ATTORNEY GENERAL AND DISTRICT ATTORNEYS.** Upon request of the department, the attorney general or the district attorney serving the proper county shall aid in any investigation, inspection, hearing or trial had under this chapter, or those sections of ch. 48 relating to powers of the department, and shall institute and prosecute all necessary actions or proceedings for the enforcement of those provisions and for the punishment of violations of those provisions. The attorney general or district attorney so requested shall report or confer with the department regarding the request, within 30 days after receipt of the request.

(6) **OPPORTUNITY TO INSPECT.** All trustees, managers, directors, superintendents and other officers or employes of the institutions shall at all times afford to every member of the department and its agents, unrestrained facility for inspection of and free access to all parts of the buildings and grounds and to all books and papers of the institutions; and shall give, either verbally or in writing, such information as the depart-

ment requires. Any person who violates this subsection shall forfeit not less than \$10 nor more than \$100.

(7) **TESTIMONIAL POWER; EXPENSES.** The director or any person delegated by the director may administer oaths, take testimony and cause depositions to be taken. All expenses of the investigations, including fees of officers and witnesses, shall be charged to the appropriation for the department.

(8) **STATISTICS TO BE FURNISHED.** Wherever the department is required to collect statistics, the person or agency shall furnish the required statistics on request.

301.37 County buildings; establishment, approval, inspection. (1) The department shall fix reasonable standards and regulations for the design, construction, repair and maintenance of houses of correction, reforestation camps maintained under s. 303.07, jails as defined in s. 302.30, extensions of jails under s. 59.68 (7), rehabilitation facilities under s. 59.07 (76), lockup facilities as defined in s. 302.30, Huber facilities under s. 303.09 and juvenile detention homes, with respect to their adequacy and fitness for the needs which they are to serve.

(2) The selection and purchase of the site, and the plans, specifications and erection of buildings, for the institutions is subject to the review and approval of the department. Department review shall include review of the proposed program to be carried out by the institution.

(3) Before any such building is occupied, and at least annually thereafter, the department shall inspect each institution with respect to safety, sanitation, adequacy and fitness; report to the authorities conducting the institution any deficiency found and order the necessary work to correct it or a new building. If within 6 months thereafter the work is not commenced, or not completed within a reasonable period thereafter, to the satisfaction of the department, the department shall suspend the allowance of state aid for, and prohibit the use of, the building until the order is complied with.

SECTION 2570. 302.05 of the statutes is created to read:

302.05 Wisconsin substance abuse program. (1) The department of corrections and the department of health and social services may designate a section of a mental health institute as a correctional treatment facility for the treatment of substance abuse of inmates transferred from Wisconsin state prisons. This section shall be administered by the department of corrections and shall be known as the Wisconsin substance abuse program. The department of corrections and the department of health and social services shall ensure that the residents at the institution and the residents in the substance abuse program:

(a) Have access to all those facilities which are available at the institution and are necessary for the treatment programs designed by the departments.

(b) Are housed on separate wards.

(2) Transfer to a correctional treatment facility for the treatment of substance abuse shall be considered a transfer under s. 302.18.

SECTION 2571. 304.01 of the statutes is created to read:

304.01 Parole commission and commission chairperson; general duties. (1) The chairperson of the parole commission shall administer and supervise the commission and its activities and shall be the final parole granting authority, except as provided in s. 304.02.

(2) The parole commission shall conduct regularly scheduled interviews to consider the parole of eligible inmates of the adult correctional institutions under the control of the department of corrections, eligible inmates transferred under ch. 51 and under the control of the department of health and social services and eligible inmates in any county house of correction. The department of corrections shall provide all of the following to the parole commission:

(a) Records relating to inmates which are in the custody of the department and are necessary to the conduct of the commission's responsibilities.

(b) Scheduling assistance for parole interviews at the correctional institutions.

(c) Clerical support related to the parole interviews.

(d) Appropriate physical space at the correctional institutions to conduct the parole interviews.

SECTION 2572. 304.02 of the statutes is created to read:

304.02 Special action parole release. (1) The department shall use a special action release program to relieve crowding in state prisons by releasing certain prisoners to parole supervision using a procedure other than mandatory release under s. 302.11 or release under s. 304.06 (1) (b).

(2) The department shall promulgate rules for the special action release program, including eligibility criteria, procedures for the secretary to decide whether to grant a prisoner a special action release to parole supervision, procedures for notifying persons, offices or agencies under s. 304.06 (1) (c) and (g) of releases, and conditions of release.

(3) Notwithstanding any eligibility criteria prescribed by department rule, a prisoner is eligible for special action release to parole supervision without meeting the eligibility criteria if all of the following conditions are met:

(a) The prisoner population equals or exceeds ~~300,000~~ the prisoner population limit under s. 301.055 (1).

(b) The prisoner is not currently incarcerated regarding a felony conviction for an assaultive crime.

(c) The institution social worker or the probation and parole agent of record has reason to believe the prisoner will be able to maintain himself or herself in society without engaging in assaultive activity.

**Vetoed
in Part**

(d) The inmate is not granted a special action release more than 18 months before his or her expected release date under s. 302.11.

SECTION 2572e. 340.01 (18r) of the statutes is created to read:

340.01 (18r) "Forward" means send by mail or furnish by another mode of transmission approved by the department.

SECTION 2572f. 340.01 (72) of the statutes is amended to read:

340.01 (72) "Transporter" means a any of the following:

(a) A person engaged in this state in the business of transporting and delivering motor vehicles, trailers, semitrailers or mobile homes in tow on their own wheels or under their own power from the manufacturer to the distributor, dealer or branch of the manufacturer, or from the distributor or dealer to another distributor or dealer, the manufacturer or branch of the manufacturer or from the branch of the manufacturer to the distributor, dealer or manufacturer.

SECTION 2572g. 340.01 (72) (b) of the statutes is created to read:

340.01 (72) (b) A person who manufactures or installs on previously assembled truck chassis special bodies or equipment which when installed form an integral part of the motor vehicle and which constitutes a major manufacturing alteration, or who is engaged in modifying or converting previously assembled or manufactured complete motor vehicles, but who is not the owner of the vehicles on which manufacturing operations were performed by that person, if incidental to manufacturing operations the person transports motor vehicles in tow on their own wheels or under their own power between the person's place of business and manufacturers, dealers and distributors, or delivers them to purchasers.

SECTION 2572m. 341.04 (3) (c) of the statutes is amended to read:

341.04 (3) (c) In addition to imposing the penalty under par. (a) or (b), the court shall order the offender to make application for registration or reregistration and to pay the required fee. If 45 days have elapsed from the date of conviction and the department has not received an application for registration or reregistration and the required fee, the department shall order the offender to make application for registration or reregistration and to pay the required fee. Unless the department receives the application for registration or reregistration and the required fee within 20 days from the date of the department's order, the department may suspend any or all registrations of the offender. Any registration suspended under this section shall remain suspended until the offender makes application for registration or reregistration and the required fee for registration is paid. For purposes of this section, the required registration or reregistration fee for residents of this state is the required annual or biennial fee, or, if the vehicle is eligible for quarterly or

consecutive monthly registration, the fee required in s. 341.30 or 341.305. For purposes of this section, the required fee for a vehicle registered on the basis of gross weight shall be the fee for the maximum weight for which the vehicle may be legally registered or the weight at which the vehicle was operating, whichever is greater.

SECTION 2572n. 341.12 (4) (b) of the statutes is amended to read:

341.12 (4) (b) The department, in conjunction with the department of ~~health and social services~~ corrections and the department of administration, shall establish the specifications for the reflectorized material and invite bids for supplying reflectorized material. The department of administration shall establish a date for the opening of such bids and shall award the contract for supplying reflectorized material to the lowest responsible bidder. The specifications shall be drawn up for each base plate year.

SECTION 2572s. 341.14 (2m) of the statutes is amended to read:

341.14 (2m) Upon compliance with laws relating to registration of motor vehicles, including payment of the prescribed fee, and an additional fee of \$5 when the original or new registration plates are issued and accompanied by an application showing satisfactory proof that the applicant has a collector's identification number as provided in s. 341.266 (2) (a), the department shall issue registration plates on which, in lieu of the usual registration number, shall be inscribed the collector's identification number issued under s. 341.266 (2) (a). The word "COLLECTOR" shall be inscribed across the lower or upper portion of the plate at the discretion of the department. Additional registrations under this subsection by the same collector shall bear the same collector's identification number followed by a suffix letter for vehicle identification. Registration plates issued under this ~~section~~ subsection shall expire annually on May 31.

SECTION 2573d. 341.14 (6r) (b) of the statutes is amended to read:

341.14 (6r) (b) 1. Upon application to register an automobile, station wagon or motor home, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, or a farm truck which has a gross weight of not more than 12,000 pounds, by any person who is a resident of this state and a member of an authorized special group, the department shall issue to the person special plates whose colors and design shall indicate that the vehicle is owned by a person who is a member of the applicable special group.

2. An additional fee of \$10 shall be charged for the issuance or reissuance of the plates for special groups specified under par. (f) 1 to 34.

SECTION 2573e. 341.14 (6r) (b) 3 and 4 of the statutes are created to read:

341.14 (6r) (b) 3. An additional fee of \$10 shall be charged for the issuance or renewal of a plate issued

on an annual basis for a special group specified under par. (f) 35 to 47. An additional fee of \$20 shall be charged for the issuance or renewal of a plate issued or renewed on a biennial basis for a special group specified under par. (f) 35 to 47 if the plate is issued or renewed during the first year of the biennial registration period or \$10 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period.

4. An additional fee of \$20 that is in addition to the fee under subd. 2 or 3 shall be charged for the issuance or renewal of a plate issued on an annual basis for a special group specified under par. (f) 35 to 47. An additional fee of \$40 that is in addition to the fee under subd. 2 or 3 shall be charged for the issuance or renewal of a plate issued on a biennial basis for a special group specified under par. (f) 35 to 47 if the plate is issued or renewed during the first year of the biennial registration period or \$20 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. The fee under this subdivision is deductible as a charitable contribution for purposes of the taxes under ch. 71.

SECTION 2573g. 341.14 (6r) (bm) 1 and (c) of the statutes are amended to read:

341.14 (6r) (bm) 1. Upon application to register a vehicle specified in par. (b) by a resident of this state who is the owner of the vehicle, upon payment of the additional fee fees under par. (b) and submission of a statement by the applicant certifying to the department that the vehicle is leased to a person who qualifies for special plates under par. (b) together with information required of an applicant under par. (b), the department shall issue to the owner special plates of the appropriate colors and design under par. (d) or (e) in lieu of the plates which ordinarily would be issued for the vehicle. The department may not accept an application for a special group plate under par. (f) 35 to 47 before January 1, 1990.

(c) Special group plates shall display the word "Wisconsin", the name of the applicable authorized special group, a symbol representing the special group, not exceeding one position, and identifying letters or numbers or both, not exceeding 5 positions. The department shall specify the design for special group plates, but the department shall consult the president of the university of Wisconsin system before specifying the design for the special group plates under par. (f) 35 to 47.

SECTION 2573i. 341.14 (6r) (e) of the statutes is amended to read:

341.14 (6r) (e) The department shall specify one combination of colors for special group plates for groups or organizations which are not military in nature and not special group plates under par. (f) 35 to 47. The department, after consulting the president of the university of Wisconsin system, shall specify one combination of colors for special group plates under

par. (f) 35 to 47. The department shall specify the word or words comprising the special group name and the symbol to be displayed upon special group plates for a group or organization which is not military in nature after consultation with the chief executive officer in this state of the group or organization, except that the department may not specify the word or words or the symbol for special group plates under par. (f) 35 to 47 unless the word or words or symbol is approved in writing by the president of the university of Wisconsin system. The president may not approve the word or words or symbol for a university specified under par. (f) 35 to 47 unless the chancellor of the university approves in writing the word or words or symbol. The department shall require that the word or words and symbol for a university specified under par. (f) 35 to 47 be a registration decal or tag and affixed to the special group plate and be of the colors for a university specified under par. (f) 35 to 47 that the president of the university of Wisconsin system specifies.

SECTION 2573m. 341.14 (6r) (f) 35 to 47 of the statutes are created to read:

341.14 (6r) (f) 35. Persons interested in obtaining a plate with university of Wisconsin-Eau Claire on it.

36. Persons interested in obtaining a plate with university of Wisconsin-Green Bay on it.

37. Persons interested in obtaining a plate with university of Wisconsin-LaCrosse on it.

38. Persons interested in obtaining a plate with university of Wisconsin-Madison on it.

39. Persons interested in obtaining a plate with university of Wisconsin-Milwaukee on it.

40. Persons interested in obtaining a plate with university of Wisconsin-Oshkosh on it.

41. Persons interested in obtaining a plate with university of Wisconsin-Parkside on it.

42. Persons interested in obtaining a plate with university of Wisconsin-Platteville on it.

43. Persons interested in obtaining a plate with university of Wisconsin-River Falls on it.

44. Persons interested in obtaining a plate with university of Wisconsin-Stevens Point on it.

45. Persons interested in obtaining a plate with university of Wisconsin-Stout on it.

46. Persons interested in obtaining a plate with university of Wisconsin-Superior on it.

47. Persons interested in obtaining a plate with university of Wisconsin-Whitewater on it.

SECTION 2573pa. 341.145 (1) (a) of the statutes is amended to read:

341.145 (1) (a) A registration plate for an owned automobile or station wagon, ~~motorcycle~~ or a motor home registered for an annual registration period under s. 341.29 or 341.295 or a motorcycle or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, or a farm truck which has a gross weight of not more than 12,000 pounds, which displays a regis-

tration number composed of letters or numbers, or both, requested by the applicant. Personalized registration plates under this paragraph shall be of the same color and design as regular registration plates and shall consist of numbers or letters, or both, not exceeding 5 positions and not less than one position for a plate issued for a motorcycle or not exceeding 6 positions and not less than 2 positions for all other plates.

SECTION 2573pb. 341.145 (3) of the statutes is amended to read:

341.145 (3) In addition to the regular application fee provided under s. 341.25 (1) (a), ~~(b), (c) or (j)~~ or (2) or 341.26 (3) (a) 2 or (am), the applicant for a personalized registration plate issued on an annual basis shall pay a fee of \$10 for the issuance of the plate and \$10 in each succeeding year to maintain the plate. In addition to the regular application fee provided under s. 341.25 (1) (b) or 341.26 (3) (a) 1, the applicant for a personalized registration plate issued on a biennial basis shall pay a fee of \$20 for issuance of the plate if the plate is issued during the first year of the biennial registration period or \$10 for issuance of the plate if the plate is issued during the 2nd year of the biennial registration period. The fee to maintain a personalized plate issued on a biennial basis is \$20. The fee for reissuance of a personalized plate shall be \$10 for an annual registration and \$20 for a biennial registration. An applicant for personalized plates issued under sub. (1) (b) or (c) shall not be required to pay the \$10 fee for initial issuance of the plates ~~but shall be required to pay \$10 in each succeeding year to maintain the plates.~~

SECTION 2573pc. 341.25 (title) and (1) (intro.) of the statutes are amended to read:

341.25 (title) Annual registration fees; biennial motorcycle fees. (1) (intro.) Unless a different fee is prescribed for a particular vehicle by ~~s. par. (b) or ss. 341.26 or 341.264 to 341.268~~, the following registration fees shall be paid to the department for the annual registration of each motor vehicle, mobile home, trailer or semitrailer not exempted by s. 341.05 from registration in this state:

SECTION 2573pd. 341.25 (1) (b) of the statutes is amended to read:

341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds or less, except a specially designed ~~vehicles~~ vehicle under s. 341.067, which is designed for the transportation of persons rather than property, a biennial fee of \$7 \$14. Registration plates issued under this paragraph expire on April 30 of even-numbered years.

SECTION 2573pe. 341.25 (4) of the statutes is created to read:

341.25 (4) Registration fees apportioned to this state under the international registration plan under s. 341.405 are derived under this section.

SECTION 2573pf. 341.26 (3) (intro.) of the statutes is amended to read:

341.26 (3) AGRICULTURAL VEHICLES. (intro.) In recognition of the relationship of the basic economy of the state to agriculture and the production and marketing of milk, there shall be paid to the department for the ~~annual~~ registration of the following vehicles the fees prescribed in this subsection:

SECTION 2573pg. 341.26 (3) (a) of the statutes is renumbered 341.26 (3) (a) 1 and amended to read:

341.26 (3) (a) 1. For each farm truck having a gross weight of 12,000 pounds or less, a biennial fee of ~~\$21~~ \$42. Registration plates issued under this subdivision expire on the last day of February of even-numbered years.

2. For each farm truck having a gross weight of more than 12,000 pounds, a an annual fee which is one-fourth of the fee prescribed in s. 341.25 (2) for a motor truck having the same gross weight.

SECTION 2573ph. 341.26 (3) (ar), (b), (c), (d) and (da) of the statutes are amended to read:

341.26 (3) (ar) For each farm truck tractor, a an annual fee which is 25% of the fee under s. 341.25 (2) for a truck tractor having the same gross weight, determined on the basis of the maximum combined gross weight of the farm truck tractor and any trailer or semitrailer which the applicant proposes to combine with the farm truck tractor. Maximum combined gross weight shall be determined by adding together the weight in pounds of the combination of vehicles when equipped to carry a load and the maximum load in pounds which the applicant proposes to carry on the combination of vehicles.

(b) For each farm trailer, a an annual fee which is ~~one-fourth~~ 25% of the fee prescribed by s. 341.25 (2) for a motor truck having the same gross weight, except that a farm trailer used with a farm truck tractor shall be registered at a fee of \$5.

(c) For each motor vehicle used exclusively in the transportation of milk from the point of production to the primary market, and the return of dairy supplies and dairy products from such primary market to the farm, a an annual fee to be determined in accordance with par. (g) on the basis of maximum gross weight.

(d) For each motor vehicle used exclusively in the transportation of cheese, butter and powdered milk when such cheese, butter and powdered milk are transported from plant to plant or to warehouses within this state, a an annual fee to be determined in accordance with par. (g) on the basis of maximum gross weight.

(da) For each motor vehicle used exclusively in the transportation of liquid dairy products, a an annual fee to be determined in accordance with par. (g) on the basis of maximum gross weight.

SECTION 2573pi. 341.26 (3) (h) of the statutes is amended to read:

341.26 (3) (h) Except as otherwise provided in par. (e), the maximum gross weight of each vehicle, ~~the registration fee for which is to be determined in accordance with sub. (3) under this subsection~~ shall be

computed as provided in s. 341.25 for the same type of vehicle.

SECTION 2573pig. 341.26 (3m) of the statutes is amended to read:

341.26 (3m) **FOREST PRODUCTS VEHICLES.** In recognition of the relationship of the basic economy of the state to the forest products industry, there shall be paid to the department for the annual registration of a road tractor, motor truck or truck tractor used exclusively in connection with the transportation of raw forest products, as defined in s. 26.05 (1), or equipment that is owned or leased by the owner of the road tractor, motor truck or truck tractor and used exclusively in the production of raw forest products, a fee determined in accordance with sub. (3) (g) on the basis of maximum gross weight, except that a trailer used exclusively in connection with the transportation of raw forest products or equipment that is owned or leased by the owner of the trailer and used exclusively in the production of raw forest products may be registered upon payment of a fee which is 25% of the fee prescribed by s. 341.25 (2) for a motor truck having the same gross weight. The maximum gross weight of each vehicle registered under this subsection shall be computed in the manner specified in s. 341.25 for the same type of vehicle, except that a person who owns and operates more truck tractors than semitrailers registered by him or her within this state and used exclusively as provided in this subsection may register such an excess truck tractor at a fee specified under sub. (3) (g) determined on the basis of the weight of the truck tractor only.

SECTION 2573pj. 341.264 of the statutes is amended to read:

341.264 Permanent semitrailer registration. (1) Upon application and payment of a fee of \$50, the department shall register a semitrailer which is operated in connection with a truck tractor or hauled by a motor vehicle and used with a device which converts the semitrailer to a trailer. Registration Except for a semitrailer registered under sub. (3), registration under this section is valid while the registrant is the owner of the semitrailer without the payment of any additional fee. The department shall issue a permanent semitrailer registration plate to evidence registration under this section subsection.

(2) Upon the sale of a semitrailer registered under this section, the seller shall remove the registration plate and destroy it. The purchaser shall immediately apply for registration and pay the full applicable fee prescribed in sub. (1) or established under sub. (3). The seller shall receive no credit toward the registration of any other vehicle.

(3) A motor carrier may register a semitrailer operated in connection with a truck tractor or hauled by a motor truck and used with a device which converts the semitrailer to a trailer under the international registration plan for an 12-year period in lieu of registering

the semitrailer under ~~this section sub. (1).~~ The ~~amount to be used in determining the annual apportioned department may establish a fee for this state under the plan is \$5~~ this subsection based on administrative cost.

SECTION 2573pk. 341.29 of the statutes is amended to read:

341.29 Registration for vehicles other than private automobiles and taxicabs. (1) The ~~annual~~ registration period for all vehicles registered on an annual basis, other than private automobiles, taxicabs, those eligible for quarterly registration under s. 341.30 and driver education vehicles, shall be determined by the secretary. The secretary may require that any of the vehicles subject to this section be registered according to the monthly series system under s. 341.295.

(2) If an application for registration of a vehicle subject to registration on an annual or biennial basis is received less than 2 months prior to the beginning of any registration period and the vehicle is not registered in this state at the time of application and the applicant desires to register for the succeeding registration period as well as for the remainder of the current period, the department upon registering the vehicle shall issue registration plates designed for the succeeding registration period rather than for the current period. Such plates also serve during the remainder of the current registration period as lawful evidence of the registration of the vehicle. This subsection does not affect computation of fee payable by the applicant.

SECTION 2573pL. 341.297 of the statutes is created to read:

341.297 Biennial registration. The following vehicles shall be registered on a biennial basis:

(1) A motorcycle or moped, as specified in s. 341.25
(1) (b). The registration period for a motorcycle or moped begins on May 1 of an even-numbered year and ends on April 30 of the next even-numbered year.

(2) A farm truck having a gross weight of 12,000 pounds or less, as specified in s. 341.26 (3) (a) 1. The registration period for such a farm truck begins on March 1 of an even-numbered year and ends on the last day of February of the next even-numbered year.

SECTION 2573pm. 341.31 (1) (intro.) of the statutes is amended to read:

341.31 (1) (intro.) The annual registration fee shall be paid in full on all vehicles registered pursuant to s. 341.29 or 341.295, the biennial registration fee shall be paid in full on all vehicles registered pursuant to s. 341.297 and the quarterly registration fee shall be paid in full on all vehicles registered pursuant to s. 341.30 unless the vehicle comes within one of the following categories, in which event the applicant is liable for the payment of only a part-period fee to be computed in accordance with sub. (2):

SECTION 2573pn. 341.31 (2) (a) and (b) of the statutes are amended to read:

341.31 (2) (a) For vehicles registered under the conditions in sub. (1) (a), (b) or (d), the fee for the current registration period shall be computed on the basis of one-twelfth of the annual registration fee or one twenty-fourth of the biennial registration fee prescribed for the vehicle multiplied by the number of months of the current registration period which have not fully expired on the date the vehicle first is operated by or with the consent of the applicant under circumstances making it subject to registration in this state plus, in case of a quarterly registration, \$5. In the case of a vehicle which has not previously been registered or which has not been registered in this state by the present owner since the owner last acquired ownership of the vehicle, the department shall assume that the date of first operation is the date of the bill of sale evidencing transfer of ownership to the applicant unless he or she files with the department a statement that the vehicle was not so operated until a later date, specifying the date of such first operation. The department may refuse to accept any statement which projects the date of first operation into the future.

(b) For the registration of a replacement vehicle under the conditions set forth in sub. (1) (c) or (cm), the fee shall be computed as for a vehicle not previously registered in this state but a credit shall be allowed for the unused portion of the fee paid for the vehicle being replaced. Such credit shall be computed on the basis of one-twelfth of the annual registration fee or one twenty-fourth of the biennial registration fee prescribed for the vehicle being replaced multiplied by the number of months of registration which have not fully expired at the time the vehicle being replaced was junked, traded, sold or removed from the state. Except for a vehicle registered on a biennial basis, it is not necessary that the replacement vehicle be of the same type as the one being replaced in order for the applicant to take advantage of the credit but the credit may be applied toward registration of the replacement vehicle only up to the date when the registration of the vehicle being replaced would have expired.

SECTION 2573po. 341.32 (1) and (2) of the statutes are amended to read:

341.32 (1) Whenever the construction or the use of a registered vehicle is changed in a manner making the vehicle subject to a different registration fee than the fee for which the vehicle currently is registered, the owner shall immediately make application for reregistration. The fee payable upon such reregistration shall be computed as for a vehicle not previously registered in this state but a credit shall be allowed for the unused portion of the fee paid for the previous registration if the registration plates issued upon the previous registration are returned to the department. Such The credit shall be computed on the basis of one-twelfth of the annual registration fee or one twenty-fourth of the biennial registration fee prescribed for the vehicle as previously registered multiplied by the number of months of registration which have not fully expired on the date the vehicle became subject to the

different fee. The credit may be applied toward the reregistration of the vehicle only up to the date when the previous registration would have expired.

(2) Whenever the owner or other person responsible for registration of a vehicle required to be registered on the basis of gross weight desires to carry a greater load than that permitted under the current registration of such vehicle, he or she shall make application for reregistration of the vehicle at a higher gross weight. Whenever such person is convicted of carrying a greater load than that permitted under his or her current registration, the court, in addition to imposing the penalty prescribed by law, shall order such person to make application for reregistration of the vehicle at a gross weight sufficiently high to cover the load which he or she was convicted of carrying. The fee payable upon reregistration shall be computed on the basis of one-twelfth of the difference between the annual fee prescribed for the vehicle as previously registered and the annual fee prescribed for the vehicle as reregistered or one twenty-fourth of the difference between the biennial fee prescribed for the vehicle as previously registered and the biennial fee prescribed for the vehicle as reregistered multiplied by the number of months of the quarter or year for which the vehicle is being reregistered which had not fully expired when the vehicle became subject to the higher fee. This subsection does not apply under the circumstances stated in sub. (3).

SECTION 2573pp. 341.33 (2) of the statutes is amended to read:

341.33 (2) The department shall refund the unused portion of a registration fee paid for the registration of a vehicle owned by a person who is entering active service in the naval or military forces of the United States if the person makes application for such refund upon a form prescribed by the department, furnishes such proof as the department may require that the vehicle will not be operated in this or another state during the remainder of the period for which the vehicle is registered, and returns to the department the certificate of registration and registration plates. The refund shall be computed on the basis of one-twelfth of the annual registration fee or one twenty-fourth of the biennial registration fee paid for the vehicle, multiplied by the number of full months remaining in the period for which the vehicle is registered when the vehicle ceases to be operated.

SECTION 2573pq. 341.33 (3) of the statutes is created to read:

341.33 (3) Upon request, the department shall refund 50% of a registration fee paid for a vehicle registered on a biennial basis if the person who registered the vehicle furnishes such proof as the department requires that the person has transferred his or her interest in the vehicle before the beginning of the 2nd year of the period for which the vehicle is registered or that the vehicle will not be operated in this state after the beginning of the 2nd year of the period for which the vehicle is registered. The department may require

the person to return the certificate of registration and registration plates for the vehicle to the department. Except as provided in sub. (1), the department may not refund more than 50% of the fee paid for the registration of a vehicle registered on a biennial basis.

SECTION 2573pr. 341.36 of the statutes is created to read:

341.36 Fee to reinstate suspended or revoked registration. (1) Except as provided in sub. (2), the department shall charge a fee of \$25 to reinstate a registration previously suspended or revoked under this chapter or ch. 344. The fee under this subsection is in addition to any other fee required to complete the registration of the vehicle.

(2) Subsection (1) does not apply to the reinstatement of a registration suspended under s. 341.63 (1) (c), (d) or (e) or to the reinstatement of a registration suspended or revoked as a result of an error by the department.

(3) If the registrations of more than one vehicle owned by a person are suspended or revoked under ch. 344 as a result of the same occurrence, payment of one fee under sub. (1) applies to the reinstatement of the registrations of all of those vehicles.

SECTION 2573ps. 341.405 (2) of the statutes is amended to read:

341.405 (2) In addition to ~~apportioned any~~ registration fees, under s. 341.25 that are apportioned to this state under the international registration plan, the department shall charge a fee to cover the cost of issuance ~~shall be charged~~ for each base plate and for each cab card issued under the international registration plan. Registrants for which this state is the base jurisdiction may elect to pay the registration fee apportioned to this state in 4 instalments as specified by the department. Registrants shall pay an additional annual fee of not less than \$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 not less than \$15, under terms and conditions not inconsistent with the international registration plan.

SECTION 2573pt. 341.45 (1) (am) of the statutes is created to read:

341.45 (1) (am) "Qualified motor vehicle" means a qualified motor vehicle as defined in the international fuel tax agreement or any of the following motor vehicles used, designed or maintained for the transportation of persons or property:

1. A motor vehicle having 2 axles and a gross vehicle weight exceeding 26,000 pounds.
2. A motor vehicle having 2 axles and registered at a gross vehicle weight exceeding 26,000 pounds.
3. A motor vehicle having 3 or more axles, regardless of weight.

4. A motor vehicle used in combination with another vehicle when the gross vehicle weight of the combination exceeds 26,000 pounds.

SECTION 2573pw. 341.45 (1g) of the statutes is renumbered 341.45 (1g) (a) and amended to read:

341.45 (1g) (a) Every person who purchases or obtains motor fuel or special fuel outside of this state and operates any qualified motor vehicle into this state upon ~~the highways of this state~~ a highway and transports motor fuel or special fuel in ~~the an attached or unattached~~ an attached or unattached fuel supply tank ~~or tanks attached or unattached to the motor vehicle~~ for the sole purpose of operating the qualified motor vehicle shall pay the Wisconsin motor fuel or special fuel tax on the gallons consumed by the qualified motor vehicle while operated on the highways of this state, ~~except that this section does not apply to any motor vehicle coming into this state with a motor fuel or special fuel tank capacity not to exceed 20 gallons. Payment of the tax shall be made by purchase of.~~ The person shall pay the tax by purchasing motor fuel or special fuel within this state of such gallonage as in an amount that is equivalent to the gallonage consumed while operating the qualified motor vehicle on the highways of this state, or by direct remittance remitting the tax directly to the department or to another jurisdiction that is a party to the international fuel tax agreement.

SECTION 2573px. 341.45 (1m) (a) of the statutes is renumbered 341.45 (1g) (b) and amended to read:

341.45 (1g) (b) The department may require any person required to pay under sub. (1g) par. (a) to report on forms prescribed by it, to display evidence of compliance with sub. (1g) par. (a) and to pay taxes in the manner specified by the department. The department shall require any person convicted of evading the tax due under sub. (1g) par. (a) to report on forms and in the manner prescribed by the department.

SECTION 2573py. 341.45 (1m) (b) of the statutes is repealed.

SECTION 2573pz. 341.45 (1m) (c) of the statutes is renumbered 341.45 (6) (d) and amended to read:

341.45 (6) (d) Whenever a person is convicted of evading the tax required to be paid under sub. (1g), the clerk of the court shall, as provided in s. 345.48 for traffic violations, forward to the department the record of conviction and notice of any appeal.

SECTION 2573ra. 341.45 (2) of the statutes is amended to read:

341.45 (2) Every person regularly or habitually operating qualified motor vehicles upon the highways of any other state and using in those qualified motor vehicles motor fuel or special fuel purchased or obtained in this state shall be allowed a credit or refund equal to the tax on the motor fuel or special fuel actually paid to the state in which it is used, but not to exceed the tax imposed on motor fuel or special fuel by this state, ~~except that this subsection does not apply to any motor vehicle going into the other state~~

~~from this state with not to exceed 20 gallons of motor fuel or special fuel in its tanks or with a motor fuel or special fuel tank capacity not to exceed 20 gallons. No credits or refund shall be allowed for taxes paid to any state which imposes a tax upon motor fuel or special fuel purchased or obtained in this state and used on the highways of such other state, and which does not allow a similar credit or refund for the tax paid to this state on motor fuel or special fuel purchased or acquired in the other state and used on highways of this state. Every person claiming a credit or refund shall file a report in the form as is prescribed by the department, together with the proof of the payment of the tax and of the fact that it was paid on motor fuel or special fuel purchased or obtained within this state that the department requires. If the report is not filed within 90 days after the tax is paid to the other state, no credit or refund may be paid. Any such claimant not required so to do under sub. (1m) shall make and file returns in the same manner and containing the same information as required by persons to whom sub. (1m) is applicable.~~

SECTION 2573rb. 341.45 (5), (5g) and (5m) of the statutes are amended to read:

341.45 (5) The department, ~~in consultation with the department of revenue~~, shall promulgate rules under ch. 227 necessary to administer this section. ~~The rules shall include provisions relating to the exchange of information under this section between the department and the department of revenue under sub. (1m) and s. 78.79.~~ The rules may include provisions relating to the payment of interest on late payments of motor fuel and special fuel taxes and fees for the late payment or underpayment of motor fuel and special fuel taxes.

(5g) The department may issue and require the display of a decal or other identification to indicate compliance with subs. sub. (1g) and (1m). The department may charge a fee to cover the cost of issuing the decal or other identification.

(5m) The department may suspend or refuse any registration, certificate or permit issued under the authority of the department of a person who fails to report under sub. ~~(1m)~~ (1g) (b) when required to do so or who fails to pay in full the taxes under sub. (1g) ~~in the manner (a) as specified by the department under sub. (1m).~~ A registration, certificate or permit suspended or refused under this subsection shall remain suspended or refused until the reason for the suspension or refusal has been removed.

SECTION 2573rc. 341.45 (6) (c) of the statutes is created to read:

341.45 (6) (c) A person who fails to display the decal or other identification under sub. (5g) as prescribed by the department may be required to forfeit not more than \$500.

SECTION 2573rcm. 341.52 of the statutes is amended to read:

341.52 Design of registration plates. Registration plates for dealers, distributors, manufacturers and transporters are subject to the provisions of s. 341.12 (2) and (3). In addition, each plate shall have displayed upon it a symbol capable of distinguishing it from any other plate which may be issued to the same dealer, distributor, manufacturer or transporter. ~~Plates issued to transporters also shall have displayed upon them the words "IN TRANSIT".~~

SECTION 2573rd. 342.09 (1) of the statutes is amended to read:

342.09 (1) The department shall ~~file~~ maintain a record of each application for certificate of title received by it and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue and deliver a certificate to the owner of the vehicle.

SECTION 2573re. 342.14 (8) of the statutes is created to read:

342.14 (8) For the reinstatement of a certificate of title previously suspended or revoked, \$25, except that if the certificate of title and registration of a vehicle are suspended or revoked as a result of the same occurrence, payment of the fee under s. 341.36 (1) shall apply to the reinstatement of both the registration and certificate of title. The fee under this subsection is in addition to any other fee specified in this section.

SECTION 2573rf. 342.16 (1m) of the statutes is amended to read:

342.16 (1m) No motor vehicle dealer or motor vehicle ~~salesman~~ salesperson may transfer a motor vehicle without disclosing in writing to the transferee the odometer reading. The disclosure shall state either that the reading is known to be actual mileage, or that the reading is not the actual mileage and should not be relied upon, or that the reading reflects the mileage in excess of the designed mechanical limit of 99,999 miles or kilometers. The disclosure shall further state that either the odometer was not altered, set back, disconnected, repaired or replaced, or that the odometer was altered for repair or replacement purposes and the mileage registered on the repaired or replacement odometer was identical to that before the service, or that the repaired or replacement odometer was incapable of registering the same mileage, and was reset to zero and the mileage on the original odometer before repair or replacement was as stated by the transferor. No motor vehicle dealer or motor vehicle ~~salesman~~ salesperson may knowingly give a false statement to a transferee in making the disclosure. The department shall prescribe the manner in which the written disclosure shall be made and retained. The disclosure requirement does not apply to a moped, motor bicycle, all-terrain vehicle, motor vehicle with a gross weight rating of more than 16,000 pounds or a vehicle 25 or more years old.

SECTION 2573rg. 342.18 (3) of the statutes is amended to read:

342.18 (3) The department shall ~~file and~~ retain for 5 years a record of every surrendered certificate of title, the ~~file~~ record to be maintained so as to permit the tracing of title of the vehicle designated therein.

SECTION 2573rh. 343.06 (3) of the statutes is amended to read:

343.06 (3) To any person under age 18 unless the person has satisfactorily completed a course in driver education in public schools approved by the department of public instruction, or in vocational, technical and adult education schools approved by the board of vocational, technical and adult education, or in non-public and private schools which meet the minimum standards set by the department of public instruction, or has satisfactorily completed a substantially equivalent course in driver training approved by the department and given by a school licensed by the department under s. 343.61, or has satisfactorily completed a substantially equivalent course in driver education or training approved by another state and has attained the age of 16, except as provided in s. 343.07 (1). Applicants for a license under s. 343.08 or 343.135 are exempt from the driver education or driver training course requirement. The secretary shall prescribe rules for licensing of schools and instructors to qualify under this section. The driver education course shall be made available to every eligible student in the state. No ~~Except as provided under s. 343.16 (1) (a) 3,~~ no operator's license may be issued unless a driver's examination has been administered by the department.

SECTION 2573rhn. 343.06 (11) of the statutes is amended to read:

343.06 (11) To any person who has been convicted of any offense specified under ss. 940.225, 948.02 and 948.07 or adjudged delinquent under ch. 48 for a like or similar offense, when the sentencing court makes a finding that issuance of a license will be inimical to the public safety and welfare. The prohibition against issuance of a license to the offenders shall apply immediately upon receipt of a record of the conviction and the court finding by the secretary, for a period of one year or until discharge from any jail or prison sentence or any period of probation or parole with respect to the offenses specified, whichever date is the later. Receipt by the offender of a certificate of discharge from the department of ~~health and social services~~ corrections or other responsible supervising agency ~~shall, after one year has elapsed since the prohibition began, entitle~~ entitles the holder to apply for an operator's license. The applicant may be required to present the certificate of discharge to the secretary if the latter deems it necessary.

SECTION 2573ri. 343.10 (1) (e) of the statutes is amended to read:

343.10 (1) (e) *Restrictions.* The order for issuance of an occupational license shall contain definite restrictions as to hours of the day, not to exceed 12,

hours per week, not to exceed 60, type of occupation and areas or routes of travel which are permitted under the license. If the person holds a valid chauffeur's license at the time of filing the petition, the order for issuance shall contain restrictions permitting operation of a motor vehicle by the person only for travel between the licensee's place of residence and his or her place of employment, in addition to operation permitted under the chauffeur's license. The order may permit travel to and from church during specified hours if the travel does not exceed the restrictions as to hours of the day and hours per week in this paragraph. The order may permit travel necessary to comply with a driver safety plan ordered under s. 343.30 (1q) or 343.305 if the travel does not exceed the restrictions as to hours of the day and hours per week in this paragraph. The order may contain restrictions on the use of alcohol and of controlled substances in violation of s. 161.41.

SECTION 2575. 343.10 (2) of the statutes is amended to read:

343.10 (2) No person may file a petition for an occupational license unless he or she first pays a fee of \$40 to the ~~county treasurer clerk of the circuit court~~ if the petition is to a judge of the circuit court or to the ~~municipal treasurer court~~ if the petition is to a judge of the municipal court. The treasurer clerk of the circuit court or the municipal court official shall give the person a receipt and shall forward 50% of the fee to the department for deposit in the transportation fund. The treasurer shall forward the remainder of the fee to the clerk of the circuit court or municipal court county or municipal treasurer, respectively. That treasurer shall pay 50% of the fee to the state treasurer under s. 59.20 (8r) and retain the balance for the use of the county or municipality, respectively.

SECTION 2575e. 343.16 (1) (a) 3 of the statutes is created to read:

343.16 (1) (a) 3. The department may, after consultation with the department of public instruction and the board of vocational, technical and adult education, provide for administration of and certification of the results of the test of an applicant's knowledge of the traffic laws and ability to read and understand highway signs in conjunction with a course in driver education specified in this subdivision, by an instructor in that course. The test under this subdivision does not include that part of a driver's examination involving the actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle required for the issuance of a license other than an instruction permit. The test under this subdivision may be administered and certified by an instructor in any of the following:

a. A course in driver education in public schools approved by the department of public instruction.

b. A course in driver education in vocational, technical and adult education schools approved by the board of vocational, technical and adult education.

c. A course in driver education in nonpublic and private schools that meets the minimum standards set by the department of public instruction.

~~SECTION 2575g. 343.20 (3) of the statutes is amended to read:~~

Vetoed
in Part

~~343.20 (2) The department shall mail to the last known address of a licensee at least 30 days prior to the expiration of the license a notice of the date upon which such license must be renewed. Failure to receive notice to renew such license shall not be a defense to a charge of operating a motor vehicle without a valid operator's license. For an original license or a license which expires 4 years after the date of issuance, the department shall include with the notice mailed under this subsection the voter registration form and accompanying explanatory material prepared by the elections board under s. 6.30 (4) (b).~~

SECTION 2575h. 343.20 (2m) of the statutes is created to read:

343.20 (2m) The department shall include with the notice that it mails under sub. (2) information regarding the requirements of s. 347.48 (4).

SECTION 2575m. 343.23 (1) (intro.) of the statutes is amended to read:

343.23 (1) (intro.) The department shall file maintain a record of every application for license received by it and shall maintain suitable indices containing:

SECTION 2575s. 343.23 (5) of the statutes is created to read:

343.23 (5) The department shall maintain the files specified in this section in a form that is appropriate to the form of the records constituting those files.

SECTION 2576. 343.30 (2d) of the statutes is amended to read:

343.30 (2d) A court may suspend or revoke a person's operating privilege upon conviction of any offense specified under ss. 940.225, 948.02 and 948.07, if the court finds that it is inimical to the public safety and welfare for the offender to have operating privileges. The suspension or revocation shall be for one year or until discharge from prison or jail sentence or probation or parole with respect to the offenses specified, whichever date is later. Receipt of a certificate of discharge from the department of ~~health and social services~~ corrections or other responsible supervising agency, after one year has elapsed since the suspension or revocation, entitles the holder to reinstatement of operating privileges. The holder may be required to present the certificate to the secretary if the secretary deems necessary.

SECTION 2577. 343.30 (5) of the statutes is amended to read:

343.30 (5) No court may suspend or revoke an operating privilege except as authorized by this chapter or ch. 48, 345 or 351 or s. 161.495. When a court revokes, suspends or restricts a child's operating privi-

lege under s. 48.17 (2), 48.34 (7), (7m) or (8), 48.342 (1), 48.343 (2) or 48.345 (2) the department of transportation shall not disclose information concerning or relating to the revocation, suspension or restriction to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, or the minor whose operating privilege is revoked, suspended or restricted, or his or her parent or guardian. Persons entitled to receive this information shall not disclose the information to other persons or agencies.

SECTION 2578. 343.30 (6) (a) of the statutes is amended to read:

343.30 (6) (a) In this subsection, "violation" means a violation of s. 125.07 (4) (a) or (b), ~~125.08~~ 125.085 (3) (b) or 125.09 (2) or a local ordinance which strictly conforms to one of those statutes.

SECTION 2578e. 343.305 (8) (c) 2 of the statutes, as affected by 1989 Wisconsin Act 7, is amended to read:

343.305 (8) (c) 2. The court shall order that the administrative suspension be either rescinded or sustained and file forward its order with to the department. The department shall vacate the administrative suspension under sub. (7) unless, within 60 days of the date of the request for judicial review of the administrative hearing decision, the department has been notified of the result of the judicial review or of an order of the court entering a stay of the hearing examiner's order continuing the suspension.

SECTION 2578m. 343.31 (1) (am) of the statutes is amended to read:

343.31 (1) (am) Injury by the ~~negligent~~ operation of a vehicle while under the influence of an intoxicant or a controlled substance or a combination of an intoxicant and a controlled substance, under the influence of any other drug to a degree which renders him or her incapable of safely driving, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely driving or while the person has a blood alcohol concentration of 0.1% or more by weight of alcohol in that person's blood or 0.1 grams or more of alcohol in 210 liters of that person's breath and which is criminal under s. 346.63 (2).

SECTION 2578s. 343.31 (3) (c) of the statutes is amended to read:

343.31 (3) (c) Any person convicted under s. 940.09 of ~~negligent~~ causing the death of another by the operation or handling of a motor vehicle shall have his or her operating privilege revoked for 5 years.

SECTION 2579. 343.31 (4) of the statutes is amended to read:

343.31 (4) Any person denied a motor vehicle operator's license under s. 343.06 (11) or whose motor vehicle operator's license was revoked under s. 343.31 (1) (i), 1961 stats., prior to October 9, 1963, may be granted ~~such~~ the license or ~~reinstated his~~ have his or her operating privileges reinstated upon recommenda-

tion of the department of health and social services corrections or other responsible agency having supervision of the applicant, and approval of the court in which the applicant was convicted of the offense upon which the revocation or suspension was based.

SECTION 2587g. 343.61 (2) of the statutes is amended to read:

343.61 (2) Application for a driver school license shall be made in writing the form and manner prescribed by the department, shall contain such information as is required by the department and shall be accompanied by the required fee.

SECTION 2587r. 343.62 (2) of the statutes is amended to read:

343.62 (2) Application for an instructor's license, shall be made in writing the form and manner prescribed by the department, shall contain such information as is required by the department and shall be accompanied by the required fee.

SECTION 2588. The unnumbered subchapter title preceding 344.01 of the statutes is numbered subchapter I (title) of chapter 344.

SECTION 2589. The unnumbered subchapter title preceding 344.12 of the statutes is numbered subchapter II (title) of chapter 344.

SECTION 2590. The unnumbered subchapter title preceding 344.24 of the statutes is numbered subchapter III (title) of chapter 344.

SECTION 2591. The unnumbered subchapter title preceding 344.45 of the statutes is numbered subchapter IV (title) of chapter 344.

SECTION 2592. The unnumbered subchapter title preceding 344.51 of the statutes is numbered subchapter V (title) of chapter 344 and amended to read:

CHAPTER 344

SUBCHAPTER V

FINANCIAL RESPONSIBILITY FOR RENTED AND HUMAN SERVICES VEHICLES

SECTION 2593. 344.53 of the statutes is created to read:

344.53 Collision damage waiver for rented passenger vehicles. (1) SCOPE. This section applies to all rental agreements concerning private passenger vehicles rented from locations in this state.

(2) DEFINITIONS. In this section:

(a) "Authorized driver" means, in connection with a private passenger vehicle under a rental agreement, all of the following:

1. The renter.

2. The spouse of the renter, if the spouse is a licensed driver and meets any minimum age requirement in the rental agreement.

3. A person listed in the rental agreement as an authorized driver.

4. The renter's employer, employee or co-worker, if the employer, employee or co-worker engages in a business activity with the renter, is a licensed driver and

meets the rental company's minimum age requirement.

5. A person who operates the vehicle during an emergency or while parking the vehicle at a commercial or private establishment.

(b) "Damage" means any damage or loss to a private passenger vehicle under a rental agreement, including loss of use, and any costs or expenses that are incidental to the damage or loss.

(c) "Private passenger vehicle" means a type I automobile.

(d) "Rental agreement" means a written agreement setting forth the terms and conditions governing the use of a private passenger vehicle provided for rent by a rental company.

(e) "Rental company" means a person in the business of providing private passenger vehicles for rent to the public.

(f) "Renter" means the person who rents a private passenger vehicle from a rental company under a rental agreement.

(3) LIABILITY TO RENTAL COMPANY. An authorized driver or renter may not be held liable to a rental company for damage to a private passenger vehicle operated by an authorized driver and rented for a period of 30 consecutive days or less, unless one of the following applies:

(a) The damage is caused by the renter or authorized driver intentionally or by his or her reckless or wanton misconduct.

(b) The damage occurs while an authorized driver operates the private passenger motor vehicle in this state while under the influence of an intoxicant or other drug, as described under s. 346.63 (1) (a) or (b) or (2m).

(c) The damage occurs while an authorized driver operates the private passenger vehicle in another state while under the influence of an intoxicant or other drug, as described in the laws of that state.

(d) The damage occurs while an authorized driver is engaged in a race or speed or endurance contest.

(e) The damage occurs while an authorized driver is using, or has directed another to use, the private passenger vehicle in the commission of a misdemeanor or felony, as those terms are defined in s. 939.60.

(f) The damage occurs while an authorized driver uses the private passenger vehicle to carry persons or property for hire.

(g) The damage occurs while an authorized driver uses the private passenger vehicle outside of the United States or Canada, unless use outside the United States or Canada is permitted under the rental agreement.

(h) The renter provided misleading or false information to the rental company, causing the rental company to rent the private passenger vehicle when the rental company would not have otherwise done so, or on terms to which it would not have otherwise agreed.

Vetoed
in Part

Vetoed
in Part

Vetoed
in Part

~~(4) PROHIBITED PRACTICES. No rental company may do any of the following:~~

~~(a) During a rental period or pending the resolution of a dispute, request or require any type of security or deposit to cover damage.~~

~~(b) Offer to sell a waiver of liability for damage occurring in situations in which an authorized driver may be held liable under sub. (3) (a) to (h).~~

~~(c) Attempt to hold a renter or authorized driver liable for damage, unless the renter or authorized driver may be held liable under sub. (3) (a) to (h).~~

~~(5) DEFENSE. Proof by a rental company that the rental company began an action to impose liability upon a renter or authorized driver because of a good faith mistake is a defense to a prosecution for a violation of sub. (4) (c).~~

~~(6) PENALTIES. Whoever violates sub. (4) may be required to forfeit not less than \$500 nor more than \$1,000 for each violation.~~

~~(7) ENFORCEMENT. The department of justice shall investigate violations of sub. (4). The department of justice may on behalf of the state:~~

~~(a) Bring an action for temporary or permanent injunctive or other relief in any court of competent jurisdiction for any violation of sub. (4). The court may, upon entry of final judgment, award restitution when appropriate to any person suffering loss because of violations of sub. (4) if proof of such loss is submitted to the satisfaction of the court.~~

~~(b) Bring an action in any court of competent jurisdiction for the recovery of forfeitures authorized under sub. (6).~~

SECTION 2593g. 345.11 (1g), (1m) and (1r) of the statutes are amended to read:

345.11 (1g) The uniform traffic citation may be used for violations of s. 218.01 (2) (a). The report of conviction and abstract of court record copy shall be forwarded to the department.

(1m) The uniform traffic citation shall be used for violations of ch. 350 relating to highway use or ordinances in conformity therewith when committed on the highway, but no points shall be assessed against the driving record of the operator of a snowmobile. The report of conviction and abstract of court record copy shall be forwarded to the department.

(1r) The uniform traffic citation shall be used for violations of s. 23.33 relating to highway use or ordinances in conformity with that section if the violation is committed on a highway, but no points shall be assessed against the driving record of the operator of an all-terrain vehicle. The report of conviction and abstract of court record copy shall be forwarded to the department.

SECTION 2593r. 345.20 (2) (f) of the statutes is amended to read:

345.20 (2) (f) Sections 23.50 to 23.85 apply to actions in circuit court to recover forfeitures and weapons assessments for violations of s. 167.31 (2) (b), (c) or (d). No points may be assessed against the driv-

ing record of a person convicted of a violation of s. 167.31 (2) (b), (c) or (d). The report of conviction and abstract of court record copy of the citation form shall be forwarded to the department.

SECTION 2593t. 345.26 (1) (b) 1 of the statutes is amended to read:

345.26 (1) (b) 1. If the person fails to appear in court at the time fixed in the citation, the person will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment, if required by s. 165.87, and a jail and detention facility assessment, if required by s. 53.46 (1), plus any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit which the court may accept as provided in s. 345.37, or

SECTION 2594. 345.26 (1) (b) 1 of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

345.26 (1) (b) 1. If the person fails to appear in court at the time fixed in the citation, the person will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment, if required by s. 165.87, and a jail and detention facility assessment, if required by s. 53.46 302.46 (1), plus any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit which the court may accept as provided in s. 345.37, or

SECTION 2594m. 345.26 (1) (b) 2 of the statutes is amended to read:

345.26 (1) (b) 2. If the person fails to appear in court at the time fixed in the citation and if the court does not accept the deposit as a forfeiture, a penalty assessment, if required by s. 165.87, and a jail and detention facility assessment, if required by s. 53.46 (1), for the violation, the person will be summoned into court to answer the complaint.

SECTION 2595. 345.26 (1) (b) 2 of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

345.26 (1) (b) 2. If the person fails to appear in court at the time fixed in the citation and if the court does not accept the deposit as a forfeiture, a penalty assessment, if required by s. 165.87, and a jail and detention facility assessment, if required by s. 53.46 302.46 (1), for the violation, the person will be summoned into court to answer the complaint.

SECTION 2595m. 345.26 (2) (b) of the statutes is amended to read:

345.26 (2) (b) In addition to the amount in par. (a), the deposit shall include court costs, including any applicable fees prescribed in ch. 814, any applicable penalty assessment and any applicable jail and detention facility assessment.

SECTION 2595p. 345.27 of the statutes is amended to read:

345.27 Stipulation of no contest. (1) If a person is issued a citation for a violation of a traffic regulation, the person may make a stipulation of no contest and deposit in accordance with the schedule established

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under s. 345.26 (2) (a) at the office of the clerk of court, sheriff, or city, village or town police department or a precinct station, headquarters of the county traffic patrol, district headquarters or station of the state traffic patrol, or the office of the municipal judge in the county in which the citation was issued as designated by the arresting officer or the person may mail the stipulation and deposit to the place designated by the arresting officer. The deposit shall include the penalty assessment imposed by s. 165.87, the jail and detention facility assessment imposed by s. 33.46 (1) and court costs, including any applicable fees prescribed in ch. 814. The stipulation shall be received within 10 days of the date of the alleged violation. The person who has mailed or filed a stipulation under this subsection may, however, appear in court on the court appearance date. If a person appears in court after making a stipulation, s. 345.37 (3) applies. Stipulations are not permitted for violations of ss. 346.62 (2) and 346.63 (1) or a local ordinance which is in conformity therewith.

(2) If a person is cited for a violation for which a stipulation is authorized and makes a timely stipulation and pays the required deposit, the person need not appear in court. Before allowing the arrested person to make a stipulation and deposit, the arresting officer or the person receiving the stipulation and deposit shall comply with s. 343.27 or, if the stipulation and deposit are mailed, the signed statement required under s. 343.27 shall be mailed with it. The official receiving the stipulation and deposit shall promptly transmit the stipulation and deposit to the clerk of court or the municipal judge having jurisdiction in the county. The clerk of the court or the municipal judge having jurisdiction in the county may receive stipulations according to this subsection and shall receive all other stipulations made under sub. (1) but the municipal judge shall process a stipulation when a citation is issued within his or her municipality. The clerk or municipal judge shall, upon the receipt of a stipulation, record a judgment of conviction and enter deposits as fines or forfeitures, penalty assessments and jail and detention facility assessments and shall comply with ss. 343.28 and 345.37 (5). The judge or the court may relieve any person from a stipulation or any other order, judgment or conviction entered or made as provided in s. 345.37 (3).

SECTION 2596. 345.27 (1) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

345.27 (1) If a person is issued a citation for a violation of a traffic regulation, the person may make a stipulation of no contest and deposit in accordance with the schedule established under s. 345.26 (2) (a) at the office of the clerk of court, sheriff, or city, village or town police department or a precinct station, headquarters of the county traffic patrol, district headquarters or station of the state traffic patrol, or the office of the municipal judge in the county in which

the citation was issued as designated by the arresting officer or the person may mail the stipulation and deposit to the place designated by the arresting officer. The deposit shall include the penalty assessment imposed by s. 165.87, the jail and detention facility assessment imposed by s. 33.46 302.46 (1) and court costs, including any applicable fees prescribed in ch. 814. The stipulation shall be received within 10 days of the date of the alleged violation. The person who has mailed or filed a stipulation under this subsection may, however, appear in court on the court appearance date. If a person appears in court after making a stipulation, s. 345.37 (3) applies. Stipulations are not permitted for violations of ss. 346.62 (2) and 346.63 (1) or a local ordinance which is in conformity therewith.

SECTION 2596m. 345.28 (4) (e) of the statutes is amended to read:

345.28 (4) (e) If the person subsequently pays the amount of the forfeiture and the costs, if any, under par. (d) or appears in court in response to the citation or a notice by the authority who issued the citation or the department, the department shall be immediately notified in writing in the form and manner prescribed by the department. If the vehicle involved in the non-moving traffic violation is owned by a person engaged in the business of renting or leasing motor vehicles and the owner pays the costs, if any, under par. (d) and 50% of the forfeiture, the authority shall immediately notify the department in writing in the form and manner prescribed by the department.

SECTION 2596t. 345.36 (2) (b) of the statutes is amended to read:

345.36 (2) (b) Deem the nonappearance a plea of no contest and enter judgment accordingly. If the defendant has posted bond for appearance at that date, the court may also order the bond forfeited. The court shall promptly mail a copy of the judgment to the defendant. The judgment shall allow not less than 20 days from the date thereof for payment of any forfeiture, penalty assessment, jail and detention facility assessment and costs imposed. If the defendant moves to open the judgment within 20 days after the date set for trial, and shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect, the court shall open the judgment, reinstate the not guilty plea and set a new trial date. The court may impose costs under s. 814.07. The court shall immediately notify the department to delete the record of conviction based upon the original judgment.

SECTION 2596w. 345.37 (2) of the statutes is amended to read:

345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may serve as the initial pleading and the defendant shall be deemed to have rendered a plea of no contest and submitted to a forfeiture and a penalty assessment, if required by s. 165.87, and a jail and detention facility assessment, if

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required by s. 53.46 (1), plus costs, including any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons under ch. 968. If the defendant fails to appear in response to the summons, the court shall issue a warrant under ch. 968. If the court accepts the plea of no contest, the defendant may move within 6 months after the date set for the appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty upon a showing to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If on reopening, the defendant is found not guilty the court shall immediately notify the department to delete the record of conviction based on the original proceeding and shall order the defendant's deposit returned.

SECTION 2597. 345.37 (2) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

345.37 (2). If the defendant has made a deposit under s. 345.26, the citation may serve as the initial pleading and the defendant shall be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment, if required by s. 165.87, and a jail and detention facility assessment, if required by s. 53.46 302.46 (1), plus costs, including any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons under ch. 968. If the defendant fails to appear in response to the summons, the court shall issue a warrant under ch. 968. If the court accepts the plea of no contest, the defendant may move within 6 months after the date set for the appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty upon a showing to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If on reopening, the defendant is found not guilty the court shall immediately notify the department to delete the record of conviction based on the original proceeding and shall order the defendant's deposit returned.

SECTION 2597m. 345.37 (3) of the statutes is amended to read:

345.37 (3). If the defendant has stipulated no contest under s. 345.27, the court or judge having trial jurisdiction of the violation may, on motion with or without notice, for cause shown by affidavit and upon just terms, within 10 days after the stipulation has been entered into, relieve any party from the stipulation and the effects thereof. If a party is relieved from the plea of no contest, the court or judge may order the stipulation or a written complaint to be filed and set the matter for trial. After trial the penalty assessment, if required by s. 165.87, jail and detention facility assessment, if required by s. 53.46 (1), costs and fees shall be taxed as provided by law.

SECTION 2598. 345.37 (3) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

345.37 (3). If the defendant has stipulated no contest under s. 345.27, the court or judge having trial jurisdiction of the violation may, on motion with or without notice, for cause shown by affidavit and upon just terms, within 10 days after the stipulation has been entered into, relieve any party from the stipulation and the effects thereof. If a party is relieved from the plea of no contest, the court or judge may order the stipulation or a written complaint to be filed and set the matter for trial. After trial the penalty assessment, if required by s. 165.87, jail and detention facility assessment, if required by s. 53.46 302.46 (1), costs and fees shall be taxed as provided by law.

SECTION 2598m. 345.37 (4) of the statutes is amended to read:

345.37 (4). If a violator's deposit is forfeited for, or if an alleged violator stipulates to entry of a plea of no contest to any violation for which his or her operator's record will be charged with demerit points as established by rule under s. 343.32 (2), the official accepting the forfeiture, the penalty assessment, if required by s. 165.87, and the jail and detention facility assessment, if required by s. 53.46 (1), shall comply with s. 343.27 (3).

SECTION 2599. 345.37 (4) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

345.37 (4). If a violator's deposit is forfeited for, or if an alleged violator stipulates to entry of a plea of no contest to any violation for which his or her operator's record will be charged with demerit points as established by rule under s. 343.32 (2), the official accepting the forfeiture, the penalty assessment, if required by s. 165.87, and the jail and detention facility assessment, if required by s. 53.46 302.46 (1), shall comply with s. 343.27 (3).

SECTION 2599m. 345.37 (5) of the statutes is amended to read:

345.37 (5). Within 5 working days after forfeiture of deposit or entry of default judgment, the official receiving the forfeiture, the penalty assessment, if required by s. 165.87, and the jail and detention facility assessment, if required by s. 53.46 (1), shall forward to the department a certification of the entry of default judgment or a judgment of forfeiture.

SECTION 2600. 345.37 (5) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

345.37 (5). Within 5 working days after forfeiture of deposit or entry of default judgment, the official receiving the forfeiture, the penalty assessment, if required by s. 165.87, and the jail and detention facility assessment, if required by s. 53.46 302.46 (1), shall forward to the department a certification of the entry of default judgment or a judgment of forfeiture.

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SECTION 2600m. 345.375 (2) of the statutes is amended to read:

345.375 (2) Upon default of the defendant corporation or upon conviction, judgment for the amount of the forfeiture, the penalty assessment, if required under s. 165.87, and the jail and detention facility assessment, if required by s. 53.46 (1), shall be entered.

SECTION 2601. 345.375 (2) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

345.375 (2) Upon default of the defendant corporation or upon conviction, judgment for the amount of the forfeiture, the penalty assessment, if required under s. 165.87, and the jail and detention facility assessment, if required by s. 53.46 302.46 (1), shall be entered.

SECTION 2601m. 345.47 (1) (intro.) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

345.47 (1) (intro.) If the defendant is found guilty, the court may enter judgment against the defendant for a monetary amount not to exceed the maximum forfeiture, penalty assessment, if required by s. 165.87, and the jail and detention facility assessment, if required by s. 53.46 (1), provided for the violation and for costs under s. 345.53 and, in addition, may suspend or revoke his or her operating privilege under s. 343.30. If the judgment is not paid, the court shall order:

SECTION 2602. 345.47 (1) (intro.) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

345.47 (1) (intro.) If the defendant is found guilty, the court may enter judgment against the defendant for a monetary amount not to exceed the maximum forfeiture, penalty assessment, if required by s. 165.87, and the jail and detention facility assessment, if required by s. 53.46 302.46 (1), provided for the violation and for costs under s. 345.53 and, in addition, may suspend or revoke his or her operating privilege under s. 343.30. If the judgment is not paid, the court shall order:

SECTION 2602m. 345.47 (1) (b) of the statutes is amended to read:

345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension or revocation, that the defendant's operating privilege be suspended for 30 days or until the person pays the forfeiture, the penalty assessment, if required by s. 165.87, and the jail and detention facility assessment, if required by s. 53.46 (1), whichever is longer, but not to exceed 5 years. Suspension under this paragraph shall not affect the power of the court to suspend or revoke under s. 343.30 or the power of the secretary to suspend or revoke the operating privilege.

SECTION 2603. 345.47 (1) (b) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension or revocation, that the defendant's operating privilege be suspended for 30 days or until the person pays the forfeiture, the penalty assessment, if required by s. 165.87, and the jail and detention facility assessment, if required by s. 53.46 302.46 (1), whichever is longer, but not to exceed 5 years. Suspension under this paragraph shall not affect the power of the court to suspend or revoke under s. 343.30 or the power of the secretary to suspend or revoke the operating privilege.

SECTION 2603m. 345.47 (1) (c) of the statutes is amended to read:

345.47 (1) (c) If a court or judge suspends an operating privilege under this section, the court or judge shall immediately take possession of the suspended license and shall forward it to the department together with the notice of suspension, which shall clearly state that the suspension was for failure to pay a forfeiture, a penalty assessment, if required by s. 165.87, and a jail and detention facility assessment, if required by s. 53.46 (1), imposed by the court. The notice of suspension and the suspended license, if it is available, shall be forwarded to the department within 48 hours after the order of suspension. If the forfeiture, penalty assessment and jail and detention facility assessment are paid during a period of suspension the court or judge shall immediately notify the department. Upon receipt of the notice and payment of the reinstatement fee under s. 343.21 (1) (j), the department shall return the license when the minimum period of suspension has passed.

SECTION 2604. 345.47 (1) (c) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

345.47 (1) (c) If a court or judge suspends an operating privilege under this section, the court or judge shall immediately take possession of the suspended license and shall forward it to the department together with the notice of suspension, which shall clearly state that the suspension was for failure to pay a forfeiture, a penalty assessment, if required by s. 165.87, and a jail and detention facility assessment, if required by s. 53.46 302.46 (1), imposed by the court. The notice of suspension and the suspended license, if it is available, shall be forwarded to the department within 48 hours after the order of suspension. If the forfeiture, penalty assessment and jail and detention facility assessment are paid during a period of suspension the court or judge shall immediately notify the department. Upon receipt of the notice and payment of the reinstatement fee under s. 343.21 (1) (j), the department shall return the license when the minimum period of suspension has passed.

SECTION 2604m. 345.47 (1) (d) of the statutes is amended to read:

345.47 (1) (d) In addition to or in lieu of imprisonment or suspension under par. (a) or (b), the court

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may notify the department, in the form and manner prescribed by the department, that a judgment has been entered against the defendant and remains unpaid. The notice shall include the name and last-known address of the person against whom the judgment was entered, the date judgment was entered, the amount of the judgment, the license number of the vehicle involved, certification by the court that a warrant has been served on the person against whom the judgment was entered or, in the case of a judgment entered under s. 345.28, that the person has been notified of the entry of judgment and the judgment remains unpaid and the place where the judgment may be paid. If the person subsequently pays the judgment the court shall immediately notify the department of the payment in writing in the form and manner prescribed by the department.

~~SECTION 2604p. 345.47 (2) of the statutes is amended to read:~~

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~~345.47 (2) The payment of any judgment may be suspended or deferred for not more than 60 days in the discretion of the court. In cases where a deposit has been made, any forfeitures, penalty assessments, jail and detention facility assessments and costs shall be taken out of the deposit and the balance, if any, returned to the defendant.~~

~~SECTION 2604r. 345.47 (3) of the statutes is amended to read:~~

~~345.47 (3) When a defendant is imprisoned for nonpayment of a forfeiture, a penalty assessment or a jail and detention facility assessment for an action brought by a municipality located in more than one county, any commitment to a county institution shall be to the county in which the action was tried.~~

~~SECTION 2604s. 345.49 of the statutes is amended to read:~~

~~345.49 Procedure on imprisonment, nonpayment of forfeiture or assessments. (1) Any person imprisoned under s. 345.47 for nonpayment of a forfeiture, a penalty assessment, if required by s. 165.87, or a jail and detention facility assessment, if required by s. 53.46 (1), may, on request, be allowed to work under s. 56.08. If the person does work, earnings shall be applied on the unpaid forfeiture, penalty assessment or jail and detention facility assessment after payment of personal board and expenses and support of personal dependents to the extent directed by the court.~~

~~(2) Any person who is subject to imprisonment under s. 345.47 for nonpayment of a forfeiture, penalty assessment or jail and detention facility assessment may be placed on probation to some person satisfactory to the court for not more than 90 days or until the forfeiture, penalty assessment or jail and detention facility assessment is paid if that is done before expiration of the 90-day period. The payment of the forfeiture, penalty assessment or jail and detention facility assessment during that period shall be a condition of the probation. If the forfeiture, penalty assessment or jail and detention facility assessment is~~

~~not paid or the court deems that the interests of justice require, probation may be terminated and the defendant imprisoned as provided in sub. (1) or s. 345.47.~~

~~SECTION 2605. 345.49 (1) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:~~

~~345.49 (1) Any person imprisoned under s. 345.47 for nonpayment of a forfeiture, a penalty assessment, if required by s. 165.87, or a jail and detention facility assessment, if required by s. 53.46 302.46 (1), may, on request, be allowed to work under s. 56.08 303.08. If the person does work, earnings shall be applied on the unpaid forfeiture, penalty assessment or jail and detention facility assessment after payment of personal board and expenses and support of personal dependents to the extent directed by the court.~~

~~SECTION 2605m. 345.61 (2) (c) of the statutes is amended to read:~~

~~345.61 (2) (c) "Guaranteed arrest bond certificate," as used in this section means any printed card or other certificate issued by an automobile club, association or insurance company to any of its members or insureds, which card or certificate is signed by the member or insureds and contains a printed statement that the automobile club, association or insurance company and a surety company, or an insurance company authorized to transact both automobile liability insurance and surety business, guarantee the appearance of the persons whose signature appears on the card or certificate and that they will in the event of failure of the person to appear in court at the time of trial, pay any fine or forfeiture imposed on the person, including the penalty assessment required by s. 165.87 and the jail and detention facility assessment required by s. 53.46 (1), in an amount not exceeding \$200, or \$1,000 as provided in sub. (1) (b).~~

~~SECTION 2606. 345.61 (2) (c) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:~~

~~345.61 (2) (c) "Guaranteed arrest bond certificate," as used in this section means any printed card or other certificate issued by an automobile club, association or insurance company to any of its members or insureds, which card or certificate is signed by the member or insureds and contains a printed statement that the automobile club, association or insurance company and a surety company, or an insurance company authorized to transact both automobile liability insurance and surety business, guarantee the appearance of the persons whose signature appears on the card or certificate and that they will in the event of failure of the person to appear in court at the time of trial, pay any fine or forfeiture imposed on the person, including the penalty assessment required by s. 165.87 and the jail and detention facility assessment required by s. 53.46 302.46 (1), in an amount not exceeding \$200, or \$1,000 as provided in sub. (1) (b).~~

~~SECTION 2606m. 346.655 (1) of the statutes is amended to read:~~

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~~346.655 (1). On or after July 1, 1988, if a court imposes a fine or a forfeiture for a violation of s. 346.63 (1), or a local ordinance in conformity therewith, or s. 346.63 (2) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall impose a driver improvement surcharge in an amount of \$250 in addition to the fine or forfeiture, penalty assessment and jail and detention facility assessment.~~

SECTION 2607. 346.655 (3) of the statutes is amended to read:

346.655 (3) All moneys collected from the driver improvement surcharge shall be deposited by the state treasurer in s. 20.435 (4) (6) (hx).

SECTION 2607gg. 348.22 of the statutes is amended to read:

348.22 Courts to report weight violation convictions. Whenever any owner or operator is convicted of violating ss. 348.15 to 348.17 or any ordinance enacted under s. 349.15 (3), the clerk of the court in which the conviction occurred, or the judge or municipal judge, if the court has no clerk, shall, within 48 hours after the conviction, forward a certificate record of conviction to the department ~~on a form furnished by the department~~. Forfeiture of bail or appearance money or payment of a fine is a conviction within the meaning of this section.

SECTION 2607ggd. 348.27 (9) of the statutes is amended to read:

348.27 (9) **POLE LENGTH AND PULPWOOD PERMIT.** The department may issue annual or consecutive month permits for the transportation on a vehicle combination consisting of a truck and full trailer of loads of wood, paper products, pole length and pulpwood exceeding statutory length or weight limitations over any class of highway for a distance not to exceed 11 miles from the Michigan-Wisconsin state line, provided that if the roads desired to be used by the applicants involve streets or highways other than those within the state trunk highway system, the application shall be accompanied by a written statement of route approval by the officer in charge of maintenance of the other highway.

SECTION 2607gge. 348.27 (9m) of the statutes is amended to read:

348.27 (9m) (title) **TRANSPORTATION OF RAW FOREST AND AGRICULTURAL PRODUCTS.** The department may issue annual or consecutive month permits for the transportation of raw forest products, as defined in s. 26.05 (1), or for the transportation of fruits or vegetables from field to storage or processing facilities in vehicles or vehicle combinations which that exceed the maximum gross weight limitations under s. 348.15 (3) (c) by not more than 10,000 pounds. A permit issued under this subsection does not authorize the operation of any vehicle or vehicle combination at a maximum gross weight in excess of 90,000 pounds. This subsection does not apply to ~~the transportation of raw forest~~

~~products~~ on highways designated as part of the national system of interstate and defense highways.

SECTION 2607ggm. 349.11 (8) (b) and (8m) (b) of the statutes are repealed.

SECTION 2607ggn. 349.185 (title) and (1) of the statutes are amended to read:

349.185 (title) Authority to regulate certain events and pedestrians.

(1) Regulate community events or celebrations, processions or assemblages on the highways, subject to s. 84.07 (4).

SECTION 2607gh. 350.12 (2) (d) of the statutes is repealed.

SECTION 2607gi. 350.12 (3) (a) (intro.) of the statutes is amended to read:

350.12 (3) (a) (intro.) Except as provided under sub. (5) (cm), no person may operate and no owner may give permission for the operation of any snowmobile within this state unless the snowmobile is registered for public use or private use under this section and has the registration decals displayed as required by sub. (5). Any snowmobile may be registered for public use. A snowmobile used exclusively on private property, as defined under s. 23.33 (1) (n), may be registered for private use. A snowmobile public-use registration certificate is valid for 2 years beginning the July 1 prior to the date of application if registration is made prior to April 1 and beginning the July 1 subsequent to the date of application if registration is made after April 1 and ending on June 30, 2 years thereafter. A snowmobile private-use registration certificate is valid from the date of issuance until ownership of the snowmobile is transferred. The fee for the issuance or renewal of a public-use registration certificate is \$20 except the fee is \$2 if it is a snowmobile owned and operated by a political subdivision of this state. There is no fee for the issuance of a private-use registration certificate or for the issuance of a registration certificate to the state.

SECTION 2607gj. 350.12 (3) (a) 5 of the statutes is repealed.

SECTION 2607gk. 350.12 (3) (b) of the statutes is amended to read:

350.12 (3) (b) Any person who is a resident of this state and the owner of a snowmobile which has a model year of 1966 or earlier may, upon application, register the snowmobile as an antique snowmobile. Upon payment of a fee of \$20, the applicant shall be furnished a registration certificate and ~~stickers or~~ decals of a distinctive design, in lieu of the ~~stickers or~~ decals issued under par. (d), which shall show that the snowmobile is an antique. The registration shall be valid without payment of any additional registration fee while the snowmobile is owned by the applicant. The snowmobile shall be used only for special occasions such as displays and public entertainment or for necessary testing, maintenance and storage purposes. Unless inconsistent with this paragraph, the provi-

sions of this chapter applicable to other snowmobiles shall apply to antique snowmobiles.

SECTION 2607gL. 350.12 (3) (d) of the statutes is amended to read:

350.12 (3) (d) Upon receipt of the required fee, a sales tax report, 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 other information the department deems necessary. The department shall issue 2 registration ~~stickers or~~ decals per snowmobile owned by an individual owner, this state or a political subdivision of this state or put in use by a commercial owner. The ~~stickers or~~ decals shall be no larger than 3 inches in height and 6 inches in width and shall contain reference to the state, the department, whether the snowmobile is registered for public use or private use under par. (a) and the expiration date of the registration.

SECTION 2607gm. 350.12 (3) (dm) of the statutes is amended to read:

350.12 (3) (dm) Upon receipt of the required fee and an application form prescribed by it, the department also shall issue to dealers, manufacturers and distributors 3 pairs of reflectorized plates with additional plates being available for a fee of \$2 per pair. Snowmobile renters shall be issued separate registration ~~stickers or~~ decals for each machine.

SECTION 2607gn. 350.12 (3) (e) of the statutes is amended to read:

350.12 (3) (e) If a certificate or registration decal ~~or sticker~~ is lost or destroyed, the owner may apply for a duplicate on forms provided for by the department accompanied by a fee of \$1. Upon receipt of a proper application and the required fee, the department shall issue a duplicate certificate or registration decal ~~or sticker~~ to the owner.

SECTION 2607go. 350.12 (4) (am) of the statutes is created to read:

350.12 (4) (am) *Snowmobile recreational council; limit on expenditures.* No moneys may be expended for the snowmobile recreational council except those moneys appropriated for the council under s. 20.370 (4) (is).

SECTION 2607gp. 350.12 (4) (b) 4 of the statutes is amended to read:

350.12 (4) (b) 4. For the acquisition and for the maintenance and development of snowmobile trails and areas on state lands and for major rehabilitation of snowmobile bridges, 100% of the actual cost for land acquisition and development and 100% of the actual cost of maintaining the ~~trail~~ trails per year up to ~~\$150 the~~ per mile per year maximum specified under subd. 1. Qualifying trails are those approved by the board. Trail routes, sizes and specifications shall be prescribed only by the board.

SECTION 2607gq. 350.12 (5) (a) of the statutes is amended to read:

350.12 (5) (a) The owner of the snowmobile shall attach the registration decals ~~or stickers~~ to the snowmobile in a prominent place, and shall maintain ~~such the~~ registration decals ~~or stickers~~ in a legible condition at all times. Decals ~~or stickers~~ shall be not larger than 3 inches in height and 6 inches in width. Registration decals ~~or stickers~~ are to be applied on both sides of the cowling of the snowmobile.

SECTION 2607gr. 350.12 (5) (c) of the statutes is amended to read:

350.12 (5) (c) The registration certificate or, for owners who purchased a snowmobile and who have received an approved application for registration receipt validated by the department but who have not yet received the registration certificate, the approved application for registration receipt shall be exhibited, upon demand, by the user of the snowmobile for inspection by any person authorized to enforce this section as ~~listed in~~ provided under s. 350.17 (1) and (3).

SECTION 2607gs. 350.12 (5) (d) of the statutes is amended to read:

350.12 (5) (d) At the end of the registration period the department shall send the owner of each snowmobile a 2-part renewal application. The owner shall complete and sign one portion of the renewal application and return that portion and the proper fee to the department. The owner shall complete and sign the other portion of the renewal application. The owner shall destroy this portion of the renewal application upon receipt of the registration certificate and ~~validation~~ decals.

SECTION 2607gt. 350.13 of the statutes is amended to read:

350.13 Uniform trail signs and standards. The department of natural resources in cooperation with the department of transportation, after having consulted with the snowmobile recreational council and after public hearing, shall promulgate rules to establish uniform trail and route signs and standards relating to operation thereon as authorized by law. The authority in charge of the maintenance of the highway ~~shall may~~ place signs ~~of a type approved by the department of natural resources and the department of transportation~~ on highways under its jurisdiction where authorized snowmobile trails cross. These signs must be of a type approved by the department of natural resources and the department of transportation.

SECTION 2607gu. 350.15 (1) of the statutes is repealed.

SECTION 2607gv. 350.15 (3) (a) of the statutes is amended to read:

350.15 (3) (a) If a snowmobile accident results in the death of any person, ~~every or in an injury that requires the treatment of a person by a physician,~~ the operator of a each snowmobile involved in the accident shall give notice of the accident to a conservation warden or local law enforcement officer as soon as possible and, within 10 days after the accident, shall

file a written report of the accident with the department on the form prescribed by it.

SECTION 2607gw. 350.15 (5) of the statutes is created to read:

350.15 (5) INVESTIGATIONS. (a) The department shall investigate any snowmobile accident that results in the death of any person.

(b) The department may investigate any snowmobile accident that results in an injury that requires the treatment of a person by a physician.

SECTION 2607gx. 350.17 (3) of the statutes is created to read:

350.17 (3) Notwithstanding subs. (1) and (2), no law enforcement officer may stop a snowmobile operator for a violation of a statutory provision under this chapter or a rule promulgated or an ordinance adopted under this chapter unless the law enforcement officer has reasonable cause to believe the snowmobile operator has committed such a violation.

SECTION 2608. 351.08 of the statutes is amended to read:

351.08 Operation of motor vehicle by habitual traffic offender or repeat habitual traffic offender prohibited; penalty; enforcement. Any person who is convicted of operating a motor vehicle in this state while the revocation under this chapter is in effect shall, in addition to any penalty imposed under s. 343.44, be fined not to exceed \$5,000 and imprisoned not to exceed 180 days. No portion of the sentence may be suspended, except in a case where operating was made necessary by a situation of emergency, as determined by the court. Any person imprisoned under this section, on his or her request, may be allowed Huber law work privileges under s. ~~56.08~~ 303.08. For the purpose of enforcing this section, in any case in which the accused is charged with driving a motor vehicle while his or her license, permit or privilege to drive is suspended or revoked or is charged with driving without a license, the court before hearing the charge shall determine whether the person is a habitual traffic offender or repeat habitual traffic offender and therefore barred from operating a motor vehicle on the highways of this state.

SECTION 2608g. 409.302 (1) (g) of the statutes is amended to read:

409.302 (1) (g) An assignment for the benefit of all the creditors of the transferor, and subsequent transfers by the assignee thereunder; or

SECTION 2608r. 409.302 (1) (h) of the statutes is created to read:

409.302 (1) (h) A security interest created by a master lease entered into by the state under s. 16.76 (4).

SECTION 2609. 425.205 (1) (intro.) of the statutes is amended to read:

425.205 (1) (intro.) Except as provided in s. 425.206, a creditor seeking to obtain possession of collateral or goods subject to a consumer lease shall com-

mence an action for replevin of ~~such~~ the collateral or leased goods. ~~Such~~ Those actions shall be conducted in accordance with ch. 799, notwithstanding s. 799.01 (3) (1) (c) and the value of the collateral or leased goods sought to be recovered, except that:

SECTION 2610. 440.03 (7) of the statutes is created to read:

440.03 (7) The department shall establish the style, content and format of all licenses, permits and certificates issued under chs. 440 to 459. Upon request of any person who holds a license, permit or certificate issued under chs. 440 to 459 and payment of a \$10 fee, the department may issue a wall certificate signed by the governor.

SECTION 2611. 440.03 (8) of the statutes is created to read:

440.03 (8) The department may promulgate rules requiring holders of certain licenses, permits or certificates issued under chs. 440 to 459 to do any of the following:

(a) Display the license, permit or certificate in a conspicuous place in the holder's office or place of practice or business, if the holder is not required by statute to do so.

(b) Post a notice in a conspicuous place in the holder's office or place of practice or business describing the procedures for filing a complaint against the holder.

SECTION 2611d. 440.03 (9) of the statutes is created to read:

440.03 (9) (a) In recommending in a budget request under s. 16.42 any increases or decreases in fees under s. 440.05 for initial licenses, permits, certificates or registrations for which an examination is not required or for renewals of licenses, permits, certificates or registrations, the department shall use the same methods used to establish the discrete examination fees under s. 440.05 (1) for different occupations regulated by the same board or examining board in the department.

(b) The department shall study the feasibility of establishing different fees under s. 440.05 for initial licenses, permits, certificates and registrations for which an examination is not required, and for renewals of licenses, permits, certificates and registrations for different occupations regulated by the same board or examining board in the department.

~~SECTION 2611m. 440.03 (10) of the statutes is created to read:~~

~~440.03 (10) The department of regulation and licensing shall, under contract with the department of health and social services, perform all of the duties and possess the powers specified under s. 146.40 (7). The department of regulation and licensing shall promulgate rules defining "neglect", "abuse" and "misappropriation of property" for the purposes of this subsection. The department of regulation and licensing shall consult with the department of health and~~

Vetoed
in Part

Vetoed in Part social services before promulgating rules under this subsection.

SECTION 2612. 440.05 (intro.) of the statutes is amended to read:

440.05 Standard fees. (intro.) The following standard fee schedule applies to all licenses, permits, registrations and certificates issued under chs. 440 to 459, except ss. 440.41, 440.62 and 440.72, 440.85, 444.03, 444.05 and 444.11 or unless otherwise specifically provided by statute:

SECTION 2614m. 440.05 (3) (am) of the statutes is created to read:

Vetoed in Part 440.05 (3) (am) ~~Acupuncture examining board.~~
1. Acupuncturist, \$82.

SECTION 2618m. 440.20 (3) of the statutes is amended to read:

440.20 (3) The burden of proof in disciplinary proceedings before the department or any examining board is ~~clear and convincing evidence, for proceedings concerning violations occurring before January 1, 1986, and on or after July 1, 1989, and a preponderance of the evidence, for proceedings concerning violations occurring on or after January 1, 1986, and before July 1, 1989.~~

SECTION 2619. 440.23 of the statutes is created to read:

440.23 Cancellation of license, certificate, permit or registration; reinstatement. (1) If the holder of a license, certificate, permit or registration issued under chs. 440 to 459 pays a fee required under s. 440.05 (1) to (6) or (8), 440.41 (2) (c), (5) or (7), 440.62 (2) (a), 440.72 (2) (intro.) or (7), 440.74 (2) (a), 440.85 (2) (c), 444.03, 444.05 or 444.11 by check and the check is not paid by the bank upon which the check is drawn, the department may cancel the license, certificate, permit or registration on or after the 60th day after the department receives the notice from the bank, subject to sub. (2).

(2) At least 20 days before canceling a license, certificate, permit or registration, the department shall mail a notice to the holder that informs the holder that the check was not paid by the bank and that the holder's license, certificate, permit or registration may be canceled on the date determined under sub. (1) unless the holder does all of the following before that date:

(a) Pays the fee for which the unpaid check was issued.

(b) If the fee paid under par. (a) is for renewal and the license, certificate, permit or registration has expired, pays the applicable penalty for late renewal specified in s. 440.05 (4) or (5) or established under s. 440.62 (2) (e) 1 or 440.83.

(c) Pays the charge for an unpaid draft established by the depository selection board under s. 20.905 (2).

(3) Nothing in sub. (1) or (2) prohibits the department from extending the date for cancellation to allow the holder additional time to comply with sub. (2) (a) to (c).

(4) A cancellation of a license, certificate, permit or registration under this section completely terminates the license, certificate, permit or registration and all rights, privileges and authority previously conferred by the license, certificate, permit or registration.

(5) The department may reinstate a license, certificate, permit or registration that has been canceled under this section only if the previous holder complies with sub. (2) (a) to (c) and pays a \$30 reinstatement fee.

SECTION 2620. 440.61 (2) of the statutes is amended to read:

440.61 (2) Schools operated by the department of ~~health and social services~~ corrections.

SECTION 2621. 440.63 (2) of the statutes is amended to read:

440.63 (2) **APPLICATIONS; CERTIFICATION PERIOD.** An application for initial certification or renewal or reinstatement of a certificate under this section shall be submitted to the department on a form provided by the department. An application for initial certification shall include the application fee specified in s. 440.05 (1). Certificates issued under this section expire on July 1 of odd-numbered years. Renewal applications shall be submitted biennially on a form provided by the department and shall include the renewal fee specified in s. 440.05 (3) ~~(a) 7~~ (c) 4 and the penalty for late renewal under s. 440.05 (4) or (5) if the application is submitted late.

SECTION 2630g. 448.03 (2) (a) of the statutes is amended to read:

448.03 (2) (a) Any person lawfully practicing within the scope of a license, permit, registration, certificate or certification granted to practice professional or practical nursing or nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449, to practice acupuncture under ch. 451 or under any other statutory provision, or as otherwise provided by statute.

SECTION 2630j. 448.04 (1) (e) of the statutes is amended to read:

448.04 (1) (e) *License to practice physical therapy.* A person holding a license to practice physical therapy may practice as defined in s. 448.01 (4) upon the written referral of a physician, chiropractor, dentist or podiatrist. Written referral is not required if a physical therapist is appointed to a multidisciplinary team under s. 115.80 (3) to assist in the identification of providing services in schools to children with exceptional educational needs, pursuant to rules promulgated by the department of public instruction; provides services as part of a home health care agency or; provides services to a patient in a nursing home pursuant to the patient's plan of care; provides services related to athletic activities, conditioning or injury prevention; or provides services to an individual for a previously diagnosed medical condition after informing the individual's physician, chiropractor, dentist or podiatrist

who made the diagnosis. The board may, ~~by rule, provide promulgate rules establishing additional services that are excepted from the written referral requirements of this paragraph and may promulgate rules providing~~ for various classes of temporary licenses to practice physical therapy.

SECTION 2630r. 448.21 (1) (e) of the statutes is created to read:

448.21 (1) (e) The practice of acupuncture within the meaning of ch. 451.

SECTION 2635p. 449.01 (1) (a) 1 and 2 and (b) of the statutes are amended to read:

449.01 (1) (a) 1. The employment of any optometric means, including topical ocular diagnostic pharmaceutical agents under s. 449.17, to determine the visual efficiency of the human visual system, including refractive and functional abilities, or ~~preliminarily to~~ diagnose the presence of ocular disease or ocular manifestations of systemic disease and other departures from normal.

2. The diagnosis and treatment of the refractive and functional ability of the visual system and enhancement of visual performance by ~~prescribing, any of the following:~~

a. ~~Prescribing, furnishing, fitting or employing ophthalmic lenses, contact lenses, frames, aids or prosthetic materials or administering.~~

b. ~~Administering~~ visual training, orthoptics, visual therapy or any other optometric means.

(b) ~~The Except as provided in par. (a), the practice of the profession of optometry does not include surgery, or medical treatment or the use of drugs for therapeutic purposes.~~

SECTION 2635q. 449.01 (1) (a) 2. c, 3 and 4 of the statutes are created to read:

449.01 (1) (a) 2. c. Prescribing or administering drugs for ocular therapeutic purposes or removing superficial foreign bodies from the eye or an appendage to the eye under s. 449.18.

3. Examining into the fact, condition or cause of ocular health or disease, or treating or rendering advice regarding a condition or cause of ocular health or disease, by any optometric means or instrumentality.

4. Applying principles or techniques of optometric sciences in the diagnosis, prevention or treatment of a condition or cause of ocular health or disease.

SECTION 2636c. 449.07 (1) (fm) of the statutes is amended to read:

449.07 (1) (fm) Violates s. 449.17, 449.18 or 449.19;

SECTION 2636g. 449.17 (title) of the statutes is amended to read:

449.17 (title) Use of diagnostic pharmaceuticals.

SECTION 2636k. 449.17 (6) of the statutes is created to read:

449.17 (6) The department shall certify optometrists who meet the requirements in this section.

SECTION 2636m. 449.18 of the statutes is created to read:

449.18 Removals from eyes; use of therapeutic pharmaceuticals. (1) No optometrist may use therapeutic pharmaceutical agents or remove foreign bodies from an eye or from an appendage to the eye unless the optometrist is certified by the examining board under this section.

(2) The examining board shall certify an optometrist to use therapeutic pharmaceutical agents and remove foreign bodies from an eye or from an appendage to the eye if the optometrist satisfies all of the following:

(a) The optometrist is certified under s. 449.17 to use topical ocular diagnostic pharmaceutical agents.

(b) The optometrist has successfully completed 100 hours of approved study in the use of therapeutic pharmaceutical agents and the removal of superficial foreign bodies from an eye or from an appendage to the eye. The course of study shall be offered by an institution approved by the examining board and accredited by a regional or professional accrediting organization that is recognized by the council on post-secondary accreditation of the federal department of education.

(c) The optometrist has passed an examination under sub. (3).

(3) The examining board shall conduct or approve an examination for optometrists seeking certification under this section. The department shall periodically review the validity, reliability and appropriateness of the examination. ~~The examining board may, in consultation with the department, do any of the following:~~

(a) ~~Prepare, approve and grade the examination.~~

(b) ~~Approve in whole or in part an examination prepared, conducted and graded by or under the direction of the international association of boards of examiners in optometry or the national board of examiners in optometry.~~

(4) Certificates issued under this section expire on January 1 of each even-numbered year. Renewal applications shall be submitted to the examining board biennially on a form provided by the examining board, along with proof of completion of continuing education requirements established in the rules promulgated under sub. (7).

(5) An optometrist who is certified under this section may not remove a foreign body from an eye or from an appendage to an eye if the foreign body is deeper than Bowman's layer of the cornea or deeper than the conjunctiva.

(6) An optometrist who is certified under this section:

(a) May not prescribe or administer any therapeutic pharmaceutical agent that he or she is prohibited from prescribing or administering under the rules promulgated under sub. (8).

Vetoed
in Part

(b) Shall include with each prescription order all of the following:

1. A statement that he or she is certified under this section.

2. The indicated use of the therapeutic pharmaceutical agent so prescribed.

(c) May not dispense, as defined in s. 450.01 (7), other than by prescribing or administering. This paragraph does not prohibit the optometrist from providing a complimentary sample of a therapeutic pharmaceutical agent to a patient to whom the optometrist has rendered therapeutic care.

(7) The examining board shall promulgate rules requiring applicants for renewal under sub. (4) to attend continuing education courses approved by the examining board. The rules shall establish criteria for the approval of such courses and may not require an applicant for renewal to attend more than 30 hours of courses within the 2 calendar years immediately preceding the expiration date specified in sub. (4).

(8) The secretary shall, after consultation with the examining board, the medical examining board and the pharmacy examining board, promulgate rules specifying those therapeutic pharmaceutical agents that may or may not be prescribed or administered.

SECTION 2636n. 449.19 of the statutes is amended to read:

449.19 (title) Referral to other specialists. If, during the course of examining a person, an optometrist determines the possibility of the existence of a pathological condition requiring treatment outside the scope of the practice of optometry, the optometrist shall so advise the person and shall refer the person to an appropriate medical specialist for further evaluation.

SECTION 2638g. 450.10 (3) (a) of the statutes is amended to read:

450.10 (3) (a) In this subsection, "health care professional" means a pharmacist licensed under this chapter, a nurse licensed under ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician, a podiatrist or physical therapist licensed or occupational therapist or occupational therapy assistant certified under ch. 448, an optometrist licensed under ch. 449, an acupuncturist certified under ch. 451, a veterinarian licensed under ch. 453 or a psychologist licensed under ch. 455.

SECTION 2638r. Chapter 451 of the statutes is created to read:

CHAPTER 451

ACUPUNCTURE EXAMINING BOARD

451.01 Definitions. In this chapter:

(1) "Acupuncture" means promoting, maintaining or restoring health or diagnosing, preventing or treating disease based on traditional Chinese medical concepts of treating specific areas of the human body, known as acupuncture points or meridians, by performing any of the following practices:

(a) Inserting acupuncture needles.

(b) Moxibustion.

(c) Applying manual, thermal or electrical stimulation or any other secondary therapeutic technique.

(2) "Acupuncturist" means a person who is engaged in the practice of acupuncture.

(3) "Examining board" means the acupuncturist examining board. **Vetoed in Part**

451.02 Applicability. Nothing in this chapter requires a certificate under this chapter for any of the following:

(1) A person lawfully practicing within the scope of a license, permit or certificate under ch. 441, 446, 447, 448 or 449.

(2) An individual assisting an acupuncturist in practice under the direct supervision of the acupuncturist.

(3) An individual who engages in the practice of acupuncture as part of a supervised course of study or residency program in acupuncture ~~that meets standards established by the examining board~~ if the individual is designated by a title that clearly indicates his or her status as a student or trainee. **Vetoed in Part**

451.04 Certification. (1) **CERTIFICATE REQUIRED.** No person may engage in the practice of acupuncture or use the title "acupuncturist" or any similar title unless the person is certified as an acupuncturist by the examining board. **Vetoed in Part**

(2) **ACUPUNCTURIST CERTIFICATE.** The examining board shall grant an acupuncturist certificate to any individual who is at least 18 years old and does all of the following:

(a) Submits an application for the certificate to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (1).

(c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory to the examining board that he or she does not have an arrest or conviction record. **Vetoed in Part**

(d) Subject to s. 451.08, submits evidence satisfactory to the examining board that he or she has completed a 4-year course of study and one-year residency program in acupuncture that meets standards established by the examining board by rule. **Vetoed in Part**

(e) Subject to s. 451.08, passes an examination conducted by the examining board to determine fitness as an acupuncturist. **Vetoed in Part**

(3) **POSTING OF CERTIFICATE.** The department shall issue a certificate to each individual who satisfies the requirements in sub. (2) or s. 451.08, certifying that the holder is authorized to practice acupuncture in this state. The holder shall post the certificate in a conspicuous place in his or her place of business. **Vetoed in Part**

(4) **EXPIRATION AND RENEWAL.** Certificates issued under sub. (2) or s. 451.08 expire on July 1 of each odd-numbered year. Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee specified in s. 440.05 (3). **Vetoed in Part**
~~Renewal applications shall be accompanied by proof of completion of biennial training requirements in sub. (5). Any person who fails to~~

Vetoed in Part

renew his or her certificate on or before the date of its expiration is subject to s. 451.10.

Vetoed
in Part

(5) **BIENNIAL TRAINING REQUIREMENT.** At the time of renewal, each certified acupuncturist shall submit proof of attendance at and completion of continuing education programs or courses of study approved for at least 20 hours of credit by the examining board within the 2 years immediately preceding the date on which the renewal application is submitted. The examining board may waive the requirement in this subsection if it determines that prolonged illness, disability or other exceptional circumstances have prevented a certified acupuncturist from completing the requirement.

451.06 Examination. (1) The examining board shall conduct examinations for acupuncture certification at least semiannually at times and places determined by the examining board. The examining board shall provide public notice of each examination at least 60 days before the date of the examination.

(2) Examinations shall consist of written and practical tests requiring applicants to demonstrate minimum competency in services and subjects substantially related to the practice of acupuncture.

(3) A person is not eligible for examination unless the person has satisfied the requirements for certification under s. 451.04 (2) (a) to (d) at least 30 days before the date of the examination.

(4) The examining board shall promulgate rules establishing standards for public notice of examinations and for acceptable examination performance by an applicant for certification as an acupuncturist.

451.08 Reciprocal certificate. (1) Upon application and payment of the fee specified in s. 440.05 (2), the examining board shall grant an acupuncturist certificate to any applicant who holds an acupuncturist certificate in another state or territory of the United States if the examining board determines that the applicant has actively engaged in the practice of acupuncture for at least 5 years or that the requirements for certification in the other state or territory are substantially equivalent to the requirements under s. 451.04 (2).

(2) The examining board may enter into reciprocal agreements with officials of other states or territories of the United States for certifying acupuncturists and grant certificates to applicants who are certified in those states or territories according to the terms of the reciprocal agreements.

451.10 Restoration of certificate. Any certified acupuncturist who fails to renew the certificate on or before the date of its expiration may restore the certificate as follows:

(1) If the application for renewal is submitted to the department not more than 4 years after the expiration of the applicant's last certificate, by payment of the fee specified in s. 440.05 (3) and the fee specified in s.

440.05 (4) or (5) and submission of proof of completion of all of the following:

(a) The biennial training required under s. 451.04 (5) for renewal on the date that the certificate expired.

(b) Continuing education programs or courses of study approved by the examining board for at least 10 hours of credit for each year that the certificate was inactive.

(2) If the application for renewal is submitted to the department more than 4 years after the expiration of the applicant's last certificate, by payment of the fee specified in s. 440.05 (1) and successful completion of the examination under s. 451.06.

451.12 Infection control. The examining board shall promulgate rules relating to the prevention of infection, the sterilization of needles and other equipment or materials capable of transmitting infection and the safe disposal of potentially infectious materials. The rules shall require acupuncture needles to be thoroughly cleansed with an antiseptic solution prior to sterilization by autoclave and shall permit an acupuncturist to use needles that are presterilized, prewrapped and disposable.

451.14 Disciplinary proceedings and actions. (1) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations or conduct hearings to determine whether a violation of this chapter or any rule promulgated under this chapter has occurred.

(2) Subject to the rules promulgated under s. 440.03 (1), the examining board may reprimand a certified acupuncturist or deny, limit, suspend or revoke a certificate under this chapter if it finds that the applicant or certified acupuncturist has done any of the following:

(a) Made a material misstatement in an application for a certificate or renewal.

(b) Engaged in conduct while practicing acupuncture which evidences a lack of knowledge or ability to apply professional principles or skills.

(c) Subject to ss. 111.321, 111.322 and 111.335, been arrested or convicted of an offense committed while certified as an acupuncturist.

(d) Advertised in a manner that is false, deceptive or misleading.

(e) Impersonated another individual who holds a certificate under this chapter or allowed another individual to use his or her acupuncturist certificate.

(f) Subject to ss. 111.321, 111.322 and 111.34, practiced acupuncture while the individual's ability to practice was impaired by alcohol or other drugs.

(g) Violated this chapter or any rule promulgated under this chapter.

(3) In addition to or in lieu of a reprimand or denial, limitation, suspension or revocation of a certificate under sub. (2), the examining board may assess against an applicant or certified acupuncturist a for-

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feiture of not less than \$100 nor more than \$1,000 for each violation enumerated under sub. (2).

451.16 Penalties. Any person who violates this chapter or any rule promulgated under this chapter may be fined not less than \$100 nor more than \$1,000 or imprisoned for not more than 90 days or both.

SECTION 2640. 452.025 (1) (c) of the statutes is amended to read:

452.025 (1) (c) Each application for registration as a time-share salesperson shall be accompanied by an initial fee specified in s. 440.05 (1) or a renewal fee specified in s. 440.05 (3) ~~(a)~~ (p) 4, whichever is appropriate.

SECTION 2642. 454.06 (8) of the statutes is amended to read:

454.06 (8) EXPIRATION AND RENEWAL. Licenses issued under subs. (2) to (6) expire on July 1 of the odd-numbered years. Renewal applications shall be submitted biennially on a form provided by the examining board and shall include the renewal fee specified in s. 440.05 (3) ~~(a)~~ (c) and the penalty for late renewal under s. 440.05 (4) or (5) if the application is submitted late.

SECTION 2658m. 560.036 (2) (a) of the statutes is amended to read:

560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.855 (10m), 16.87 (2), 18.16, 18.64, 18.77, 25.185, 119.495 (2), 231.27 and 234.85, the department shall establish and periodically update a list of certified minority businesses, minority financial advisers and minority investment firms. Any business, financial adviser or investment firm may apply to the department for certification. For purposes of this paragraph, unless the context otherwise requires, a "business" includes a financial adviser or investment firm.

SECTION 2658p. 560.036 (2) (g) of the statutes is amended to read:

560.036 (2) (g) If the department, after an examination under par. (f), determines that a business does not qualify as a minority business, the department shall notify the business and the departments of administration and transportation that it intends to decertify the business. The business may, within 30 days after the notice is sent, appeal in writing to the secretary of ~~development~~. The secretary shall enter his or her final decision within 30 days after receiving the appeal. If the secretary confirms the decision of the department, the department shall immediately decertify the business. A decertified business may, within 30 days after the secretary's decision, request a contested case hearing under s. 227.42 from the department of ~~development~~. If the final administrative or judicial proceeding results in a determination that the business qualifies as a minority business, the department shall immediately certify the business.

SECTION 2660. 560.038 (5) of the statutes is created to read:

560.038 (5) If the council is created, the department shall contract for research relating to the council's responsibilities under sub. (1) to be performed at the direction of the council, and shall pay the expenses incurred in conducting the research from the appropriation under s. 20.143 (4) (d).

SECTION 2660d. 560.038 (6) of the statutes is created to read:

560.038 (6) This section does not apply on or after the effective date of the 1991-93 budget act.

SECTION 2661b. 560.04 (3) of the statutes is repealed.

SECTION 2662i. 560.075 (1) (am) of the statutes is created to read:

560.075 (1) (am) "Indian reservation" means a reservation as defined in s. 139.30 (9).

SECTION 2662j. 560.075 (1) (c) (intro.) of the statutes is amended to read:

560.075 (1) (c) (intro.) "Targeted program" means a program or form of assistance available to an American Indian ~~or~~, a business owned by one or more American Indians or an Indian tribe ~~which~~ that is administered by a state agency and that relates to any of the following:

SECTION 2662k. 560.075 (2) (a) of the statutes is amended to read:

560.075 (2) (a) Provide to tribal governing bodies, ~~at least annually~~, a directory or other list identifying state employees or officers who administer targeted programs.

SECTION 2662m. 560.075 (2) (am) of the statutes is repealed.

SECTION 2662p. 560.075 (2) (b) to (d) of the statutes are repealed and recreated to read:

560.075 (2) (b) Provide information about economic development and targeted programs to American Indians, businesses owned by American Indians or tribal governing bodies by using brochures, conferences, counseling or other means determined by the department.

(c) Perform demographic and economic analyses of the American Indian population in this state to provide data for use in economic development and business recruitment on Indian reservations.

(d) Contract with organizations mostly made up of American Indians to provide assistance related to economic development to American Indians, businesses owned by American Indians and tribal governing bodies.

SECTION 2662r. 560.075 (3) of the statutes is repealed.

SECTION 2664p. 560.14 of the statutes is created to read:

560.14 Community-based economic development programs. (1) In this section:

(a) "Applicable median household income" means the greater of the following:

1. The median family income for the county where the household is located, as determined annually by the U.S. department of housing and urban development.

2. The state median income as determined by the department of health and social services under s. 46.98 (4) (a) 3.

(b) "Business incubator" means a person who operates an organization designed to encourage the growth of new businesses, if at least 2 of the following apply:

1. The organization rents space at a rate lower than the market rate in the community.

2. The organization provides shared business services.

3. The organization makes available management and technical assistance.

4. Businesses using the organization may obtain financial capital through a direct relationship with at least one financial institution.

(c) "Community-based organization" means an organization that is involved in economic development and helps businesses that are likely to employ persons with lower incomes, if the organization is one of the following:

1. A nontask, nonprofit corporation organized under ch. 180, or a nonprofit cooperative organized under ch. 185 to which all of the following apply:

a. It operates in a specific geographic area.

b. A substantial number of the members of its board of directors reside or work in a distressed area or are members of a target group.

c. It makes an effort to hire, or involve in its activities, persons who live in the area where the corporation or cooperative operates and who are underemployed or have low incomes.

d. One of its primary purposes is to improve the economic situation of members of a target group by involving those members in the policy decisions of the corporation or cooperative.

e. It demonstrates a commitment to involving residents of distressed areas or members of target groups in its projects.

2. A federally recognized American Indian tribe or band in this state or an entity established by a federally recognized American Indian tribe or band.

(d) "Distressed area" means an area where at least 2 of the following apply:

1. The unemployment rate in the area is at least 150% of the state average.

2. At least 40% of the persons residing in the area are members of households that have household income levels at or below 80% of the applicable median household income.

3. The assessed value of real property in the area in the most recent assessment is less than the assessed

value of that property in the assessment 2 years before the most recent assessment.

4. The area is in a location that qualifies for federal urban development action grants.

5. The percentage of households receiving aid to families with dependent children under s. 49.19 in the area is significantly higher than the percentage of households receiving aid to families with dependent children in this state.

6. In the 18 months immediately preceding the application, at least 5% of the members of the workforce in a municipality where the area is located were permanently laid off by their employer.

(e) "Minority group member" has the meaning given in s. 560.036 (1) (f). **Vetoed in Part**

(f) "Municipality" means a city, village or town.

(g) "Target group" means a population group that has a high unemployment level or whose members have a lack of significant employment opportunities or have incomes below the poverty line as defined and revised under 42 USC 9902. A population group need not be located within a contiguous geographic area to be a target group. **Vetoed in Part**

(2) (a) The department may make a grant to a community-based organization from the appropriation under s. 20.143 (1) (fg) to allow the community-based organization to do any of the following:

1. Promote the development of small businesses on a local level in distressed areas.

2. Provide assistance to businesses or entrepreneurs in distressed areas, if the department determines that the entrepreneur or business will provide jobs to minority group members or persons with lower incomes. **Vetoed in Part**

(b) A community-based organization may use the proceeds of a grant under this subsection to defray any of the following costs:

1. Salaries, fringe benefits and other expenses associated with the personnel of the community-based organization.

2. Administrative or operating costs not described in subd. 1.

(c) An individual grant under this subsection shall at least equal \$20,000 but may not exceed \$30,000.

(d) The department may not make more than \$380,600 in total grants under this subsection in the fiscal year ending on June 30, 1990, or more than \$382,800 in any fiscal year thereafter. **Vetoed in Part**

(3) (a) The department may make grants from the appropriation under s. 20.143 (1) (fg) to a community-based organization or a municipality to fund any of the following:

1. The operation of an existing business incubator.

2. Technical assistance in the process of starting a business incubator.

3. Actually starting, by construction, rehabilitation or other development, a business incubator.

(b) The department may not make a grant under this subsection unless all of the following apply:

2. Funds from the grant will be used only in distressed areas.

3. The total amount of grants under this subsection to the municipality or community-based organization do not exceed 50% of the total cost of the project for which the grant is made, unless the department determines that the area where the funds must be used under subd. 2 is in extreme financial hardship. The department may consider in-kind contributions when determining the total cost of a project under this subdivision.

4. The department considers the potential of the business incubator to help start businesses.

Vetoed in Part 4m. The department considers the potential of the business incubator to provide employment opportunities to minority group members or persons with lower incomes.

5. The community-based organization or municipality receiving the grant provides a written policy relating to how stable, maturing businesses in the business incubator will establish themselves outside of the business incubator within a reasonable period of time.

Vetoed in Part (c) The department shall give priority for grants under this subsection to applications involving business incubators that have or will have connections with any of the following:

1. An institution of higher education, including a vocational, technical and adult education school, located in this state.

2. A community-based organization with experience in the employment and training of persons with lower incomes.

3. A large, established business.

(d) 1. The proceeds of a grant under par. (a) 1 or 3 may be used to defray salaries, fringe benefits and other personnel, administrative and operating costs of the business incubator.

2. The proceeds of a grant under par. (a) 2 or 3 may be used to fund those salaries, fringe benefits and other personnel, administrative and operating costs of the community-based organization or municipality that are directly related to starting a business incubator.

(e) Grants under this subsection may not exceed whichever of the following applies:

1. For a grant under par. (a) 1, \$30,000 in any year.

2. For a grant under par. (a) 2, \$25,000.

3. For a grant under par. (a) 3, \$100,000 in any year.

(f) The department may not do any of the following:

1. Make grants under par. (a) 1 to fund the operation of a particular business incubator in more than 5 years.

2. Make more than one grant to a particular municipality or community-based organization under par. (a) 2.

3. Make grants under par. (a) 3 to fund the start-up of a particular business incubator in more than 2 years.

Vetoed in Part (g) The department may not make more than \$330,600 in total grants under this subsection in the fiscal year ending on June 30, 1990, or more than \$432,800 in each fiscal year thereafter.

(4) In addition to grants made under subs. (2) and (3), the department shall make a grant from the appropriation under s. 20.143 (1) (fg) in the fiscal year ending on June 30, 1991, if all of the following apply:

(a) The grant is to a community-based organization that is involved in job training and job creation for persons with lower incomes.

(b) The community-based organization that receives the grant under par. (a) shall use the proceeds of the grant to employ or contract with individuals to do all of the following:

1. Survey businesses in the area where the community-based organization operates and identify businesses with financial difficulties.

2. Work with state officials or employees of state agencies to promote the merger or purchase of businesses identified under subd. 1 by individuals or businesses located in this state.

(c) The amount of the grant does not exceed \$70,000.

(5) The department shall do all of the following:

(a) Develop an application to be used for grants under this section and furnish the application to applicants upon request.

(b) Promulgate rules to develop criteria for evaluating applications for grants under this section.

(c) Consistent with subs. (2), (3) and (4), award grants under this section on a competitive basis, using the criteria developed under par. (b). **Vetoed in Part**

Vetoed in Part SECTION 2664c. 560.16 (1) (f) of the statutes is amended to read:

560.16 (1) (f). "Existing business group" means a group formed by or on behalf of the current or former employees of an existing business which has experienced substantial layoffs or a closing not more than one year prior to the date the application is submitted under sub. (4) for the purpose of determining the feasibility of assuming ownership or control of the existing business and operating it as an employee-owned business.

SECTION 2664g. 560.16 (2) (c) 1 and 3 of the statutes are amended to read:

560.16 (2) (c) 1. The number of employees affected by the a considered or actual closing or layoff by the business, if any.

3. The economic impact of the a considered or actual closing or layoff by the business, if any, on the community, region or state.

SECTION 2664tr. 560.16 (3) (c) of the statutes is amended to read:

560.16 (3) (c) If the application is for a loan under sub. (2) (a), a letter from a majority of the owners of the business indicating a preference to sell the business to the group if the study concludes that reorganization or new incorporation of the business which is the subject of the study as an employee-owned business is feasible. A group need not include a letter under this paragraph if the business is involved in bankruptcy or insolvency proceedings.

SECTION 2664tn. 560.16 (4) (a) of the statutes is amended to read:

560.16 (4) (a) A loan to a group under this section may not exceed ~~\$25,000~~ \$35,000 unless the joint committee on finance, under s. 13.101 (5m), approves a specified amount exceeding ~~\$25,000~~ \$35,000.

SECTION 2664v. 560.17 of the statutes is created to read:

560.17 Rural economic development program. (1) In this section:

(a) "Board" means the rural economic development board.

(b) "Business" includes cooperatives organized under ch. 185.

(c) "Professional services" includes all of the following:

1. Preparation of preliminary feasibility studies, feasibility studies or business and financial plans.

2. Providing a financial package.

3. Engineering studies, appraisals or marketing assistance.

4. Related legal, accounting or managerial services.

(d) "Rural municipality" means any of the following:

1. A city, town or village that is located in a county with a population density of less than 150 persons per square mile.

2. A city, town or village with a population of 4,000 or less.

(2) (a) At the request of the board, the department shall make a grant or loan to a business to which the board has awarded a grant or loan under sub. (3).

(b) The department shall make the grant or loan from the appropriation under s. 20.143 (1) (er) or (ir).

(3) The board may award a grant or loan to a business if all of the following apply:

(a) The amount of the grant or loan does not exceed \$30,000.

(b) The business, together with any affiliate, subsidiary or parent entity, has fewer than 25 employees.

(c) The business is located in a rural municipality.

(d) The business is starting or expanding its operations.

(e) The proceeds of the grant or loan will be used by the business as provided in sub. (5).

(f) The board considers the factors listed in sub. (4).

(4) Before awarding a grant or loan under sub. (3), the board shall consider all of the following:

(a) The extent to which the start-up or expansion of the business will create new jobs.

(b) The financial needs of the rural municipality.

(c) The number of new jobs created by the business in relation to the amount of the grant or loan.

(d) The degree to which the new or expanded operations of the business will provide beneficial services to the rural municipality where it is located.

(e) Whether financing is available from other sources.

(f) Whether the business would be able to start or expand its operations without a grant or loan.

(5) A business shall use the proceeds of a grant or loan under this section to pay for any of the following:

(a) Professional services related to starting or expanding the business.

(b) Management assistance continuing after the start-up or expansion.

(6) Before awarding a loan under sub. (3), the board shall do all of the following:

(a) Determine the terms for repayment of the principal amount of the loan, ~~except that the board may not require any repayment of principal before the business receiving the loan actually begins business operations.~~ **Vetoed in Part**

~~(b) Establish the interest rate for the loan at a fixed percentage below what the board determines is the market rate.~~

~~(c) Subject to sub. (7) (c), establish all other terms and conditions of the loan after considering the circumstances of the particular business.~~

(7) (a) The department shall designate staff to evaluate applications for grants or loans and assist the board under this section. The board shall act on all applications for grants or loans within 90 days after receipt of the application.

(b) The board or department shall deposit all interest or principal payments received for loans made under this section in the appropriation under s. 20.143 (1) (ir).

~~(c) No fees may be charged in connection with any grant or loan made under this section.~~ **Vetoed in Part**

(d) The department or board may not limit the time period during which applications for grants and loans under this section may be accepted.

~~(8) (a) The board shall promulgate rules to establish criteria for determining whether to award a grant instead of a loan to a business.~~ **Vetoed in Part**

~~(b) The criteria established under par. (a) shall include all of the following:~~

~~1. The financial need of the rural municipality where the business is located.~~

~~2. The potential economic impact of the business on the rural municipality.~~

SECTION 2676. 560.60 (1) of the statutes is renumbered 560.60 (1s).

SECTION 2677. 560.60 (1e) and (1m) of the statutes are created to read:

560.60 (1e) "Applied research" means research intended to develop processes or products that may have a commercial application.

(1m) "Biotechnology" means technology related to life sciences.

SECTION 2677b. 560.60 (4) of the statutes is amended to read:

560.60 (4) "Eligible recipient" means a business, small business, consortium ~~or~~, governing body or nonprofit business development organization.

SECTION 2677d. 560.60 (4m) of the statutes is created to read:

560.60 (4m) "Eligible researcher" means a person who conducts research and is associated with a higher educational institution.

SECTION 2677f. 560.60 (12) of the statutes is created to read:

560.60 (12) "Nonprofit business development organization" means a housing and community development authority created under s. 66.4325 (1), redevelopment corporation, as defined in s. 66.405 (3) (s), redevelopment authority created under s. 66.431 (3), community development corporation, as defined in s. 234.94 (2), or any nonprofit organization whose primary purpose is to promote the economic development of a particular area or region in the state and whose governing body is composed, in part, of representatives of the business community.

SECTION 2677h. 560.60 (14) of the statutes is amended to read:

560.60 (14) "Project" means a business development that increases the productivity of a business or its employees in this state, leads to significant capital investment in a business in this state, leads to the retention of existing jobs in this state or creates new jobs in this state, or a study under s. 560.64 (1).

SECTION 2677L. 560.60 (16) of the statutes is created to read:

560.60 (16) "Technically oriented business" has the meaning specified in s. 560.90.

SECTION 2677Lm. 560.60 (17) of the statutes is created to read:

560.60 (17) "Technology" includes biotechnology.

SECTION 2677m. 560.60 (18) of the statutes is created to read:

560.60 (18) "Technology-based incubator" means a facility that provides a new or expanding technically oriented business with all of the following:

- (a) Office and laboratory space.
- (b) Shared clerical and other support service.
- (c) Managerial and technical assistance.

SECTION 2677n. 560.605 (1) (e) 3 of the statutes is created to read:

560.605 (1) (e) 3. For grants and loans under s. 560.64, not less than 50% of the cost of the project.

SECTION 2677p. 560.605 (1) (f) of the statutes is amended to read:

560.605 (1) (f) The project meets all criteria set forth in s. 560.62, 560.625, 560.63, 560.64 or 560.66, whichever is appropriate.

SECTION 2678. 560.605 (1) (g) of the statutes is amended to read:

560.605 (1) (g) Funds from the grant or loan under ~~this subchapter ss. 560.62, 560.625, 560.63 and 560.66~~ will not be used to pay overhead costs or to replace funds from any other source.

~~SECTION 2678m. 560.605 (1) (i) of the statutes is created to read:~~

~~560.605 (1) (i) That the eligible recipient has certified that it will not begin or expand operations using any chlorofluorocarbons, halons or other compounds or substances with ozone depletion weights, as set out in 40 CFR part 82 appendix A, of 0.1 or more.~~

SECTION 2679. 560.605 (2) (intro.) of the statutes is amended to read:

560.605 (2) (intro.) The board shall consider all of the following before awarding a grant or loan to an eligible recipient for a project under ss. 560.62 to 560.66:

SECTION 2679m. 560.605 (2) (d) of the statutes is amended to read:

560.605 (2) (d) The financial soundness of the business or nonprofit business development organization.

SECTION 2680. 560.605 (3) of the statutes is created to read:

560.605 (3) The board may award a grant for applied research in technology upon the receipt and consideration of an application from an eligible researcher under s. 560.665, if the board determines all of the following:

(a) That the proposed applied research has long-term commercial potential.

(b) That the proposed applied research is scientifically sound and likely to result in successful commercial applications.

(c) That the proposed applied research will potentially benefit the economy of this state.

(d) That the proposed applied research will potentially benefit residents of this state.

(e) If the application is for a grant under s. 560.665 (2), that there is potential for support for the proposed applied research from businesses in this state.

(f) If the application is for a grant under s. 560.665 (3), that there is evidence of support for the proposed applied research from businesses in this state.

(g) That there is some potential for receiving additional funds to support the proposed applied research project from other sources.

(h) That the qualifications and relevant experience of the eligible researcher and, if the application is for a grant under s. 560.665 (3), the qualifications and rele-

Vetoed
in Part

vant experience of the research team organized by the eligible researcher are sufficient to carry out the proposed applied research.

(i) That the project is not likely to occur without the grant.

(j) Funds from the grant or loan under s. 560.665 will not be used to pay overhead costs or to replace funds from any other source.

Vetoed
in Part

~~(m) That the eligible recipient has certified that it will not begin or expand operations using any chlorofluorocarbons, halons or other compounds or substances with ozone depletion weights, as set out in 40 CFR part 82 appendix A, of 0.1 or more.~~

(k) The applicability of other criteria established by the board.

SECTION 2680m. 560.605 (4) of the statutes is created to read:

560.605 (4) The board shall give priority for grants or loans under this section to eligible recipients that certify that they use or will use techniques or processes that reduce or eliminate the use of chlorofluorocarbons, halons or other compounds or substances with ozone depletion weights, as set out in 40 CFR part 82 appendix A, of 0.1 or more.

SECTION 2681. 560.61 of the statutes is renumbered 560.61 (intro.) and amended to read:

560.61 Wisconsin development fund. (intro.) At the request of the board, the department shall make do all of the following:

(1) Make a grant or loan to an eligible recipient for a project ~~which~~ that meets the criteria for funding under s. 560.605 (1) and (2) and under s. 560.62, 560.625, 560.63, 560.64 or 560.66, whichever is appropriate, from the appropriations under s. 20.143 (1) (c), (d) and (ie).

SECTION 2682. 560.61 (2) of the statutes is created to read:

560.61 (2) Make a grant from the appropriation under s. 20.143 (1) (c) to a higher educational institution to support applied research in technology by an eligible researcher, if the board determines that the applied research meets the criteria for funding under ss. 560.605 (3) and 560.665.

SECTION 2683. 560.62 (4) of the statutes is renumbered 560.62 (4) (intro.) and amended to read:

560.62 (4) (intro.) In each biennium, the board may expend or encumber up to a total of ~~one percent~~ 1% of the moneys appropriated under s. 20.143 (1) (c) for that biennium for evaluations any of the following:

(a) Evaluations of proposed technical research projects ~~or for grants.~~

(b) Grants to small businesses for preparing proposals for the federal small business innovative research program under 15 USC 638.

SECTION 2684. 560.62 (4) (c) of the statutes is created to read:

560.62 (4) (c) Evaluations of applications for proposed applied research grants under s. 560.665.

SECTION 2684m. 560.64 of the statutes is created to read:

560.64 Technology-based incubator grants and loans.

(1) The board may award a grant not exceeding \$5,000 under s. 560.61 to a nonprofit business development organization to fund a feasibility study of the need for and the initial design of a technology-based incubator in a particular region of this state.

(2) The board may award a grant or loan not exceeding \$250,000 under s. 560.61 to a nonprofit business development organization to fund the initial development and operation of a proposed technology-based incubator, including equipment purchases, building acquisition and rehabilitation and staff costs, after considering all of the following:

(a) The qualifications of the proposed technology-based incubator's management and staff.

(b) The quality and amount of proposed managerial and technical assistance services that will be provided to businesses using the technology-based incubator.

(c) The support and involvement of local businesses and the local financial community.

(d) The cost-effectiveness of the technology-based incubator.

(e) The effect of the technology-based incubator on the local economy and the community in which it is located.

(f) The effect of the technology-based incubator in facilitating the transfer of technologies developed in basic and applied research programs at one or more higher educational institutions to one or more businesses for commercialization.

(g) The financial viability of the proposed technology-based incubator.

(3) The board may award a grant or loan under sub. (2) to a nonprofit business development organization that has not received a grant under sub. (1).

(4) The department shall provide ongoing assistance to technology-based incubators in this state, including resource and educational materials, seminars and other activities consistent with the department's responsibilities under subch. IV.

SECTION 2684r. 560.66 (1) (intro.) of the statutes is amended to read:

560.66 (1) (intro.) The board may award grants and loans under s. 560.61 to eligible recipients for any project which is not eligible for a grant or loan under ss. 560.62, 560.625 ~~and~~, 560.63 ~~and~~ 560.64, if the board determines that the project is a major economic development project and considers all of the following:

SECTION 2685. 560.665 of the statutes is created to read:

560.665 Applied research in technology. (1) The board may award grants under subs. (2) and (3) and s.

560.61 to higher educational institutions to support applied research in technology by eligible researchers.

(2) (a) Subject to par. (b), the board may award grants to fund all of the following activities by eligible researchers:

1. Organization of a research team to conduct applied research in technology.

2. Preparation of a plan providing the details of a proposal for applied research in technology.

3. Assessment of the support of businesses in this state for the proposed applied research.

4. Other activities that the board determines are appropriate.

(b) No grant awarded under this subsection may exceed \$25,000. The board may not make more than one grant under this subsection in connection with the same applied research proposal.

(3) (a) Subject to par. (b), the board may award grants to a higher educational institution to support applied research in technology if an eligible researcher submits to the board a plan providing the details for the proposed applied research in technology. The board may award grants under this subsection to allow the eligible researcher do any of the following:

1. Conduct applied research in technology.

2. Form an association with the higher educational institution or a business, or both, to examine or discover potential commercial applications of the applied research in technology.

3. Defray costs associated with applying for other funding for the applied research in technology.

4. Other activities that the board determines are appropriate.

(b) No grant awarded under this subsection may exceed \$150,000. The board may not make more than one grant under this subsection in connection with the same applied research proposal.

~~(4) The total dollar amount of grants awarded under this section may not exceed \$400,000 in any fiscal year.~~

Vetoed
in Part

~~SECTION 2685h. 560.68 (1) of the statutes is created to read:~~

~~560.68 (1) of the funds appropriated under s. 20.143 (1) (c) for each fiscal year, the board shall reserve at least 20% for projects entered into by businesses that are controlled and actively managed by women and at least 51% owned by women.~~

SECTION 2686. 560.71 (1) (d) of the statutes is amended to read:

560.71 (1) (d) The area meets the applicable requirements under s. 560.735 or 560.737.

SECTION 2687. 560.737 of the statutes is created to read:

560.737 Business incubators. Notwithstanding s. 560.735 (5) and (6), the department may designate the premises of a business incubator located near a development zone as part of the development zone, if all of the following apply:

(1) At least 50% of the small businesses housed in the small business incubator have received or participated in any of the following:

(a) Federal targeted jobs tax credits under section 51 of the internal revenue code.

(b) A job training partnership program under 29 USC 1502.

(c) Any other program, similar to the program described in sub. (2), established to increase the employment opportunities of disadvantaged individuals.

(2) The business incubator has housed businesses described in sub. (1) for at least 6 months before the designation of the development zone under s. 560.71.

(3) The business incubator's facility is located within 5 miles of the boundary of the development zone or proposed development zone.

SECTION 2688. 560.745 (2) (c) of the statutes is renumbered 560.745 (2) (c) (intro.) and amended to read:

560.745 (2) (c) (intro.) Notwithstanding sub. (1), the designation of an area as a development zone shall expire after ~~December 31 of the calendar year which includes the~~ on the earlier of the following:

1. Ninety days after the day on which the department determines that the foregone tax revenues under par. (b) will equal or exceed the limit for the development zone established under par. (a).

(d) The department shall immediately notify the local governing body of a change in the expiration date of the development zone under ~~this paragraph~~ par. (c).

SECTION 2689. 560.745 (2) (c) 2 of the statutes is created to read:

560.745 (2) (c) 2. The day that the department withdraws its designation of an area as a development zone under sub. (3).

SECTION 2690. 560.745 (3) of the statutes is created to read:

560.745 (3) The department may withdraw the designation of an area as a development zone if any of the following apply:

(a) No person is certified as eligible to receive tax benefits under s. 560.765 (3) during the 12-month period beginning on the day the area is designated as a development zone and the department determines that the local governing body that nominated the zone is not following the development zone plan submitted under s. 560.73.

(b) No person is certified as eligible to receive tax benefits under s. 560.765 (3) during the 24-month period beginning on the day the area is designated a development zone.

SECTION 2691. 560.75 (8) of the statutes is repealed and recreated to read:

560.75 (8) Verify information submitted to the department under ss. 71.07 (2di) (d) 2, (2dj) (e) 3, (2dL) (f) and (2ds) (d) 2, 71.28 (1di) (d) 2, (1dj) (e) 3,

(1dL) (f), (1ds) (d) 2 and (4) (am) and 71.47 (1di) (d) 2, (1dj) (e) 3, (1dL) (f), (1ds) (d) 2 and (3) (am).

SECTION 2692. 560.75 (9) (a) of the statutes is amended to read:

560.75 (9) (a) Except as provided in par. (b), ensure that at all times in each development zone at least 50% of the tax benefits in the development zone is used for development zones jobs credits under ~~s. 71.09 (12d)~~ ss. 71.07 (2dj), 71.28 (1di) and 71.47 (1di).

SECTION 2693. 560.75 (9) (b) of the statutes is amended to read:

560.75 (9) (b) With respect to a development zone located in a 1st class city, ensure that at all times in the development zone at least 65% of the tax benefits in the development zone is used for development zones jobs credits under ~~s. 71.09 (12d)~~ ss. 71.07 (2dj), 71.28 (1di) and 71.47 (1di).

SECTION 2694. 560.765 (3) (a) of the statutes is renumbered 560.765 (3).

SECTION 2695. 560.765 (3) (b) of the statutes is repealed.

SECTION 2695m. 560.765 (3) (bm) of the statutes is created to read:

560.765 (3) (bm) The person's commitment to use techniques or processes that reduce or eliminate the use of chlorofluorocarbons, halons or other compounds or substances with ozone depletion weights, as set out in 40 CFR part 82 appendix A, of 0.1 or more.

SECTION 2696. 560.768 (1) (a) of the statutes is amended to read:

560.768 (1) (a) The department shall establish a limit on the maximum amount of tax benefits a person certified under s. 560.765 (3) may claim while an area is designated as a development zone. The limit may specify a minimum amount of the total tax benefits that may be used exclusively for the ~~credit credits~~ under ~~s. 71.09 (12d)~~ ss. 71.07 (2dj), 71.28 (1di) and 71.47 (1di), subject to s. 560.75 (9).

SECTION 2697. 560.768 (1) (b) 1 of the statutes is amended to read:

560.768 (1) (b) 1. Consider all of the criteria described in s. 560.765 (3) (a) 1 to 5 (e).

SECTION 2698. 560.768 (3) (a) 1 of the statutes is amended to read:

560.768 (3) (a) 1. The limit is not consistent with the criteria listed under s. 560.765 (3) 1 to 5 (a) to (e).

~~SECTION 2698b. 560.77 (1) (e) of the statutes is created to read:~~

~~560.77 (1) (e) Violates the terms of the statement provided to the department under s. 560.78 (3).~~

~~SECTION 2698c. 560.78 (3) of the statutes is created to read:~~

~~560.78 (3) No person may be certified under s. 560.765 (3) unless the person states, in writing, to the department that it will not begin or expand business operations using any chlorofluorocarbons, halons or~~

~~other compounds or substances with ozone depletion weights, as set out in 40 CFR part 82 appendix A, of 0.1 or more.~~

SECTION 2699. Subchapter VII of chapter 560 of the statutes is created to read:

CHAPTER 560

SUBCHAPTER VII

MINORITY BUSINESS EARLY PLANNING AND DEVELOPMENT PROJECTS

560.80 Definitions. In this subchapter:

(1) "Board" means the minority business development board.

(2) "Development project" means the start-up of a business, or the expansion or acquisition of an existing business, that is or will be a minority business.

(3) "Early planning project" means the preliminary stages of considering and planning the start-up of a business that will be a minority business.

(4) (a) "Eligible development project costs" means costs that, in accordance with sound business and financial practices, are appropriately incurred in connection with a development project.

(b) "Eligible development project costs" does not include entertainment expenses or expenses incurred before the board approves a grant or loan for the development project under s. 560.83.

(5) "Eligible recipient" means a person who is eligible to receive a grant under s. 560.82 (5) or a grant or loan under s. 560.83 (5).

(6) "Job" means a position providing full-time equivalent employment for one individual for one year, beginning after a project is completed.

(7) "Local development corporation" means any of the following:

(a) The elected governing body of a federally recognized American Indian tribe or band in this state or any business created by the elected governing body.

(b) A nonprofit corporation organized under ch. 181 that is at least 51% controlled and actively managed by minority group members and that does all of the following:

1. Operates within specific geographic boundaries.

2. Promotes the economic development within the specific geographic area.

3. Demonstrates a commitment to and experience in economic development with minority group members or minority businesses.

(8) "Minority business" means a minority business, as defined in s. 560.036 (1) (e), that has its principal place of business in this state.

(9) "Minority group member" has the meaning given in s. 560.036 (1) (f).

(10) "New minority business" means a minority business started as a result of an early planning project.

(11) "Project" means a development project or an early planning project, or both.

Vetoed
in Part

Vetoed
in Part

560.81 Minority business grants and loans. The department shall make a grant or loan to an eligible recipient or local development corporation under this subchapter if any of the following apply:

(1) The department awards a grant to the eligible recipient under ss. 560.82 and 560.84.

(2) The board awards a grant or loan to the eligible recipient under ss. 560.83 and 560.84.

(3) The board awards a grant or loan to the local development corporation under s. 560.83 (2).

560.82 Minority business early planning grants. (1) Subject to s. 560.84, the department may award a grant under this section to an eligible recipient to fund an early planning project.

(2) The department may not award a grant under sub. (1) unless the eligible recipient submits an application, in a form required by the department, that contains or describes all of the following:

(a) Potential locations of the new minority business.

(b) The ownership structure of the new minority business.

(c) The product or service provided by the new minority business.

(d) The market for the product or service described in par. (c).

(e) Competition within the market described in par. (d).

(f) Any competitive advantages of the new minority business.

(g) The eligible recipient's estimate of the gross revenue of the new minority business over a period specified by the department.

(h) The process for manufacturing the product, or providing the services, of the new minority business.

(i) An estimate of the number of jobs that will be created by the new minority business.

(j) The eligible recipient's experience and training.

(k) The eligible recipient's estimate of the profit that will be generated by the new minority business over a period specified by the department.

(L) The eligible recipient's estimate of the capital required to complete the early planning project.

(m) Potential sources of financing for the early planning project.

(n) Any other information that the department requests.

(3) An eligible recipient who receives a grant under sub. (1) may only use the proceeds of the grant for the following purposes:

(a) To perform a business feasibility study.

(b) To prepare a detailed marketing plan.

(c) To prepare a detailed business plan.

(4) In any fiscal biennium, the department may not do any of the following:

(a) Award, as the total amount of grants made under sub. (1), more than \$50,000 in a fiscal biennium.

(b) Award, to any one eligible recipient or for any one early planning project, grants under sub. (1) that total more than \$5,000 in a fiscal biennium.

(5) The department may only award grants under sub. (1) to individuals who are minority group members and residents of this state.

560.83 Minority business development grants and loans. (1) Subject to s. 560.84, the board may award a grant or loan under this section to an eligible recipient to fund eligible development project costs.

(2) The board may award a grant or loan under this section to a local development corporation if all of the following apply:

(a) The local development corporation agrees to use the proceeds of grants or loans under this section to make grants or loans to eligible recipients to fund eligible project development costs.

(b) The board makes the determinations described in s. 560.84 (1), and considers the factors described in s. 560.84 (2) with respect to development projects to be funded by the local development corporation.

(3) The board may not award a grant or loan under sub. (1) or (2) unless the eligible recipient submits an application, or other materials, in a form specified by the department by rule.

(4) In any fiscal biennium, the board or local development corporation may not award, to any one eligible recipient or for any one development project, grants or loans under sub. (1) or (2) that total more than \$100,000 in a fiscal biennium.

(5) The board may award grants or loans under sub. (1) only to persons who are any of the following:

(a) Minority group members who are residents of this state.

(b) Minority businesses.

560.84 General criteria. (1) The department or board may not award a grant or loan for a project under this subchapter unless, after considering the application or other material submitted by the eligible recipient, the department or board determines all of the following:

(a) That the project serves a public purpose.

(b) 1. If an early planning project, that the project will increase employment in this state.

2. If a development project, that the project will retain or increase employment in this state.

(c) That the project is not likely to occur without the grant or loan.

(d) That financing is unavailable from any other source on reasonably equivalent terms.

(e) That the eligible recipient receiving the grant or loan will contribute, from funds not provided by this state, whichever of the following applies:

1. For grants funding early planning projects, not less than 50% of the amount of the grant.

2. For grants and loans funding development projects, not less than 25% of the cost of the development project.

(f) That the project meets all criteria set forth in s. 560.82 or 560.83, whichever is appropriate.

(g) That funds from the grant or loan will not be used to replace funds from any other source.

(h) That the project will not displace workers in this state.

(i) That the project has sufficient potential to be profitable.

(j) If a development project, that funds from the grant or loan will not be used to refinance existing debt.

(k) That the project meets any other criteria established by the department by rule.

(2) The board or department shall consider all of the following before awarding a grant or loan to an eligible recipient for a project:

(a) 1. If an early planning project, the extent to which the project will increase employment in this state.

2. If a development project, the extent to which the project will retain or increase employment in this state.

(b) The extent to which the project will benefit minority group members who are residents of this state.

(c) If a development project, whether the project will be located in any or all of the following:

1. An area of high unemployment or low average income.

2. A development zone designated under s. 560.71.

(d) The extent to which the project will attract capital into locations where unemployment exceeds the state average and per capita income is below the state average.

(e) The likelihood that the project will be successful.

(f) If a development project, the financial soundness of the minority business involved in the development project and the commitment of the eligible recipient to repay the loan or grant.

560.85 Administration. (1) The department shall promulgate rules for the administration of this subchapter. The department may not promulgate a rule under this subsection unless the proposed rule has been reviewed by the board.

(2) The board shall develop a policy governing the repayment of grants and loans made under s. 560.83. The board or department shall deposit moneys received in repayment of grants and loans in the appropriation under s. 20.143 (1) (im).

(3) The department shall do all of the following:

(a) Develop procedures to evaluate applications and monitor project performance for grants awarded for early planning projects under s. 560.82.

(b) Develop procedures, with the approval of the board, to evaluate applications, monitor project per-

formance and audit grants and loans awarded for development projects under s. 560.83.

~~(4) The board may contract with public or private entities to provide staff and other administrative services to help the board perform its duties under this subchapter.~~

Vetoed
in Part

SECTION 2700g. Subchapter IX of chapter 560 of the statutes is created to read:

CHAPTER 560
SUBCHAPTER IX

TECHNOLOGY-BASED ECONOMIC DEVELOPMENT

560.90 Definitions. In this subchapter, "technically oriented business" means any of the following:

(1) A business in a new or emerging industry.

(2) A business that provides technically sophisticated products or services.

(3) A business that is based on a technically sophisticated production system.

560.905 Administration. (1) The department may contract with specialists outside the classified service, including teachers, professors and professionals on sabbatical leaves, to conduct or coordinate specific projects and programs under this subchapter.

(2) The standing committees of the senate and assembly with jurisdiction over science and technology shall advise the department concerning the administration of this subchapter. The department shall consider the advice of the committees in carrying out the functions under this subchapter. Annually, the department shall submit a report on the department's activities to the chief clerk of each house of the legislature for distribution under s. 13.172 (3) to the standing committees with jurisdiction over science and technology.

560.91 General functions. The department shall do all of the following:

(1) Be the advocate within state government for the development and coordination of an effective and balanced state science and technology economic development policy.

(2) Advise the governor and the legislature on policy initiatives involving science and technology issues relating to economic development.

(3) Identify and encourage opportunities to improve the competitiveness of businesses in this state and accelerate market-driven innovation in the state by the following types of technology transfer:

(a) Adoption of readily available and reasonably standardized, but underused, technological products and processes.

(b) Modification or new application of existing technologies.

(c) Translation of new scientific discoveries into useful commercial products, processes and services.

(4) Encourage the lifelong education of residents, businesses and other organizations in this state on the role of science and technology in society and the world

economy and the opportunities and responsibilities created by the application of new technologies.

(5) Establish liaisons with institutions of higher learning, appropriate state agencies, federal agencies dealing with science and technology, national laboratories, industrial associations and other appropriate associations in the private sector and coordinate their activities as the activities relate to the department's responsibilities under this subchapter.

(6) Work with and use existing agencies and programs, to the extent feasible, to ensure the execution of state technology-based economic development initiatives.

560.915 Seed capital fund. (1) In this section:

(a) "Fund" means a private, for-profit seed capital fund.

(b) "Seed capital" means equity financing to start a new business or expand a recently created business. "Seed capital" includes equity financing used for the development of a business plan, market research, prototype and product development, securing of a patent, capital equipment, other development work, selection of key personnel or working capital.

(2) The department may do all of the following with the money appropriated under s. 20.143 (1) (a):

(a) Spend not more than \$15,000 to contract with a professional executive search firm to identify a manager for a new fund to be based in this state.

(b) Provide not more than \$100,000 to pay all or part of the salary of the manager of the fund and other expenses incurred in establishing the fund, for up to one year, if all of the following apply:

1. The primary purpose of the fund will be to contribute to the establishment and growth in this state of new or expanding technically oriented businesses.

2. The manager or the person who controls the fund agrees to repay any money provided by the department under this section, on terms satisfactory to the department, after the fund has invested in one or more businesses.

Vetoed in Part ~~3. The manager or the person who controls the fund agrees to provide money from the fund to a new or technically oriented business only if the business certifies that it will not begin or expand operations using any chlorofluorocarbons, halons or other compounds or substances with ozone depletion weights, as set out in 40 CFR part 82 appendix A, of 0.1 or more.~~

4. The manager or person who controls the fund agrees to give a priority in the use of money from the fund to new or technically oriented businesses that certify that they use or will use techniques or processes that reduce or eliminate the use of chlorofluorocarbons, halons or other compounds or substances with ozone depletion weights, as set out in 40 CFR part 82 appendix A, of 0.1 or more.

(3) The department may not spend or provide moneys in connection with a fund under sub. (2) after June 30, 1991.

(4) The department shall do all of the following:

(a) Prepare a biennial report on the disposition and repayment of moneys spent under sub. (2).

(b) Submit the report to the chief clerk of each house of the legislature under s. 13.172 (3) for distribution to the standing committees with jurisdiction over economic development on or before December 31 of each odd-numbered year beginning in 1989 and ending in the odd-numbered year in or after which the earlier of the following occurs:

1. All financial assistance provided by the department under sub. (2) (b) has been repaid.

2. The secretary certifies in the report that the department will not provide money to any fund under sub. (2) (b).

(c) Deposit all money received in repayment of financial assistance under sub. (2) (b) in the general fund.

560.92 Promotion. (1) The department shall promote this state's science and technology assets in cooperation with Forward Wisconsin, inc. and the department of agriculture, trade and consumer protection.

(2) The department shall establish a program to recognize all of the following:

(a) Entrepreneurs in this state who have established successful technically oriented businesses.

(b) Outstanding researchers in basic and applied sciences in this state.

560.925 Information exchange. The department shall do all of the following:

(1) Establish and maintain a clearinghouse of information on science and technology relating to the general functions of the department under this subchapter, including the usefulness of science and technology to the public, government and industry in increasing the competitiveness of the economy of this state and enhancing the opportunity for joint ventures and more effective communication between the public and private sectors.

(2) Sponsor conferences and workshops related to the functions of the department under this subchapter.

(3) Assist in the development of statewide information networks, including a network of businesses and persons who use, provide, develop or support technically oriented businesses.

560.93 Statewide advanced technology. (1) The department shall monitor potential opportunities for federal and private sector funding of significant technology development and transfer programs. The department may create an advisory committee of persons likely to be aware of these funding opportunities to assist in the monitoring of such opportunities.

(2) Upon identifying a potential funding opportunity under sub. (1), the department may create a team composed of appropriate government, educational and private sector representatives to review and pursue the funding opportunity. A team may do any of the following:

(a) Conduct an evaluation of whether one or more organizations located in this state should compete for the funds.

(b) Help one or more organizations located in this state in developing a specific application for the funds and any subsequent proposal or documentation.

(c) Present to persons providing funding, or coordinate the presentation of, an application for funds; and show to persons providing funding the facility or site where the technology development or transfer program is proposed to be conducted.

560.935 Manufacturing modernization. (1) The department shall develop one or more programs to assist manufacturing businesses that are located in this state in adopting readily available and reasonably standardized new manufacturing processes and techniques. The programs shall minimize the duplication of assistance provided by suppliers of the manufacturing processes and techniques, consultants, public and private educators and other persons who provide assistance to businesses. The department shall give preference to assisting businesses under this section with fewer than 500 employees.

(2) The department and its contractors may charge a reasonable fee for services provided to businesses that participate in programs established under this section.

SECTION 2700j. Chapter 562 (title) of the statutes is repealed and recreated to read:

CHAPTER 562

REGULATION OF RACING AND ON-TRACK
PARI-MUTUEL WAGERING

SECTION 2700k. 562.001 of the statutes is amended to read:

562.001 Humane treatment of animals. It is the intent of the legislature that animals which participate in races in this state on which pari-mutuel betting wagering is conducted and animals which are bred and trained in this state for racing shall be treated humanely, both on and off racetracks, throughout the lives of the animals.

SECTION 2700n. 562.01 (8) of the statutes is amended to read:

562.01 (8) "Multiple pools" means any pool of wagers on one or more races other than a pool of wagers in which each wager represents a bet wager to win, place or show.

SECTION 2700p. 562.01 (9) of the statutes is amended to read:

562.01 (9) "Pari-mutuel" means a betting wagering system in which all persons who bet wager on any animal which finishes in any position for which bets wagers are taken in a race share the total amount bet wagered on the race minus any deductions from the wagers on that race required under s. 562.065.

SECTION 2700r. 562.02 (1) (a) of the statutes is amended to read:

562.02 (1) (a) Regulate racing and on-track pari-mutuel betting wagering in this state and shall promulgate all rules necessary to administer this chapter. The board shall do everything necessary to ensure that the public interest is protected in relation to racing.

SECTION 2700t. 562.02 (1) (e) of the statutes is amended to read:

562.02 (1) (e) By rule, prescribe any restriction on betting wagering by a licensee or the employes of a licensee which it deems necessary to protect the public interest.

~~SECTION 2700u. 562.02 (1) (f) of the statutes is created to read:~~

~~562.02 (1) (f) Promulgate rules defining "major violation" for purposes of s. 562.09 (3) (c) 3.~~

Vetoed
in Part

SECTION 2701. 562.02 (2) (a) of the statutes is amended to read:

562.02 (2) (a) Employ the staff it deems necessary to administer this chapter, including but not limited to any chemist and veterinarian. ~~Notwithstanding s. 16.705, the~~ The board may not contract for the services of any veterinarian or chemist whose services are required to administer the board's powers and duties under this chapter unless the veterinarian or chemist has not had a conflict of interest under s. 562.025 (2) at any time during the 12 months immediately preceding the date on which the contract for such services is entered into.

SECTION 2701e. 562.025 (1) (d) of the statutes is amended to read:

562.025 (1) (d) Bet Wager or cause a bet wager to be made on any race.

SECTION 2701m. 562.025 (2) (d) of the statutes is amended to read:

562.025 (2) (d) Bet Wager or cause a bet wager to be made on any race.

SECTION 2701s. 562.03 (1) (a) of the statutes is amended to read:

562.03 (1) (a) The governor shall appoint the director of the board, with the advice and consent of the senate. The governor shall appoint the director after a nationwide search for persons with experience in public gaming management and regulation and with knowledge of animal racing and pari-mutuel betting wagering.

SECTION 2702. 562.03 (2) of the statutes is amended to read:

562.03 (2) The director may employ or provide by contract for the services of stewards, subject to the approval of the board, ~~and shall designate one person employed or contracted for as chief steward.~~ Any steward under a contract under this subsection shall be under a contract with the board.

SECTION 2703. 562.03 (4) of the statutes is amended to read:

562.03 (4) The director shall appoint and supervise a deputy director and an assistant director, to serve

outside the classified service at the pleasure of the director, and a director of security, a director of data processing and a chief steward. An appointment under this subsection is subject to the approval of the board.

SECTION 2704. 562.04 (1) (a) (intro.) of the statutes is amended to read:

562.04 (1) (a) (intro.) Three stewards shall preside over races conducted at a racetrack not at a fair. At least 2 of those stewards shall be employees of the board or providing services to the board under a professional services contract. The rate of compensation of stewards ~~employed by serving under contract to the board shall be commensurate with the rate of compensation of established for stewards serving under contract employed by the board, but less than the rate established for the chief steward.~~ Stewards presiding over a racetrack shall do all of the following:

SECTION 2704an. 562.04 (1) (b) 5 and 6 of the statutes are amended to read:

562.04 (1) (b) 5. After the meeting under subd. 1, the stewards shall submit, in writing, all findings and conclusions from that meeting to the licensee and the board, including the sanctions, if any, imposed by the stewards and shall provide the licensee who is the subject of the meeting with a notice of his or her right to appeal the decision under subd. 6. Within 7 days after receiving the decision, the licensee shall pay any forfeitures imposed by the stewards, regardless of whether the decision is appealed or stayed under subd. 6.

6. Any person adversely affected by a decision issued under subd. 4 may appeal that decision to the board. The appeal shall be filed with the board within ~~90~~ 45 days after receipt of that written decision. An appeal does not automatically stay the decision of the stewards. Any person may request that the director stay that decision pending the decision of the board on the appeal. If the director receives such a request and determines that the stay will not adversely affect public safety or welfare or the safety or welfare of an animal, the director shall order the stay. The procedure for the appeal under this subdivision is under ch. 227. If part or all of any forfeiture imposed under subd. 5 is refunded to the licensee under this subdivision, the refund shall include interest calculated at the rate of 9% per year on that amount. The decision of the board on the appeal shall be the final administrative decision on any action of the stewards under subd. 4.

SECTION 2704c. 562.045 (4) of the statutes is amended to read:

562.045 (4) The person has been convicted of a violation of any law of this or another state or of the United States related to racing, pari-mutuel betting wagering or any other form of gambling.

SECTION 2704d. 562.05 (1) (a) of the statutes is amended to read:

562.05 (1) (a) The ownership and operation of a racetrack at which pari-mutuel betting wagering is conducted.

SECTION 2704e. 562.05 (1) (b) and (c) of the statutes are amended to read:

562.05 (1) (b) The sponsorship and management of any race on which pari-mutuel betting wagering is conducted and which is not located at a fair.

(c) The sponsorship and management of any horse race on which pari-mutuel betting wagering is conducted and which is located at a fair.

SECTION 2704k. 562.05 (3wt) of the statutes is amended to read:

562.05 (3wt) In the first license issued to each applicant under sub. (1) (a) for each racetrack, the board shall specify a date by which each of the types of racing authorized under the license shall begin at that racetrack. ~~If any of the types of racing authorized under the license does not begin by the specified date, that license is void as to that type of racing.~~ Upon request of the licensee, the board may change a specified date to an earlier or later date pursuant to rules of the board.

SECTION 2704kg. 562.05 (5) (a) 1 of the statutes is amended to read:

562.05 (5) (a) 1. The person is in default on any payment required under this chapter or under any rule promulgated under this chapter or under any law of any other state related to pari-mutuel betting wagering or racing.

SECTION 2704kr. 562.05 (5) (a) 5 of the statutes is amended to read:

562.05 (5) (a) 5. The person has been convicted of a violation of any law of this or another state or of the United States related to racing, pari-mutuel betting wagering or of any other form of gambling which is a serious violation, as defined by the board by rule.

SECTION 2704m. 562.056 of the statutes is amended to read:

562.056 Registration of greyhounds. No dog which is of the greyhound breed may be entered in a race on which pari-mutuel betting wagering is conducted unless the dog is registered with the national greyhound association of Abilene, Kansas.

SECTION 2704n. 562.057 of the statutes is amended to read:

562.057 Simulcasting permitted. The board may permit a licensee under s. 562.05 (1) (b) to engage in simulcasting of not more than 9 races each year. All rules of the board governing pari-mutuel betting wagering and all other laws governing pari-mutuel betting wagering apply to simulcasting, except as otherwise provided by rule. No person may engage in simulcasting except as provided in this section.

SECTION 2704p. 562.06 (title) of the statutes is amended to read:

562.06 (title) Minors on racetracks; wagering prohibited.

SECTION 2705c. 562.065 (2) of the statutes is amended to read:

562.065 (2) MINIMUM WAGERS AND PAYOUTS. The minimum wager which may be accepted by a licensee is \$2. The minimum payout that a licensee may make on a wager is \$2.20 on a \$2 wager, ~~except that the licensee may reduce the minimum payout to \$2.10 on a \$2 wager if there is not a sufficient amount in the pool to make a minimum payout of \$2.20.~~

SECTION 2705f. 562.065 (3) (a) of the statutes is amended to read:

562.065 (3) (a) *Deduction.* From the total amount wagered on all animals selected to win, place or show in a race, a licensee under s. 562.05 (1) (b) and (c) shall deduct 17% and pay the balance, minus breakage, to winning ticket holders, except that for a multiple pool, the licensee shall deduct 23% and pay the balance, minus breakage, to winning ticket holders. Nothing in this paragraph prohibits the licensee from retaining amounts ~~bet~~ wagered in multiple pools which are required to be paid to winning ticket holders if there are no winning ticket holders, for the sole purpose of paying these amounts to winning ticket holders of subsequent races.

SECTION 2705h. 562.065 (3) (b) 2 of the statutes is amended to read:

562.065 (3) (b) 2. For dog races, from the total amount deducted under par. (a) on each race day, the licensee under s. 562.05 (1) (b) shall use at least an amount equal to 4.5% of the total amount wagered on each race day for purses ~~for races held on that race day.~~ Purses shall be paid no less frequently than on a weekly basis. The licensee shall pay purses directly to the owner of a dog or, if a dog is leased, the licensee shall pay the purse directly to the lessor and lessee of the dog as agreed in a written lease agreement on file with the licensee.

SECTION 2705m. 562.065 (3) (c) 5 of the statutes is amended to read:

562.065 (3) (c) 5. The board shall deposit ~~the all~~ all moneys received before July 1, 1990, under subds. 1 and 2 in the general fund appropriation under s. 20.192 (1) (g) and all moneys received on and after July 1, 1990, under subds. 1 and 2 in the racing fund under s. 25.80.

SECTION 2706d. 562.065 (3m) (a) of the statutes is amended to read:

562.065 (3m) (a) *Deduction.* From the total amount wagered, a licensee under s. 562.05 (1) (c) shall deduct 20% and pay the balance, minus breakage, to winning ticketholders. Nothing in this paragraph prohibits the licensee from retaining amounts ~~bet~~ wagered in multiple pools which are required to be paid to winning ticketholders if there are no winning ticketholders, for the sole purpose of paying those amounts to winning ticketholders of subsequent races.

SECTION 2706e. 562.065 (3m) (c) 1 of the statutes is amended to read:

562.065 (3m) (c) 1. From the total amount of the deduction under par. (a) remaining after the payment of purses under par. (b), the licensee under s. 562.05 (1) (c) shall retain an amount equal to the licensee's costs related to pari-mutuel racing and betting wagering conducted under the license. The board shall, by rule, determine the costs which may be included under this subdivision and require auditing of these costs.

SECTION 2706f. 562.065 (3m) (d) of the statutes is amended to read:

562.065 (3m) (d) *Breakage.* A licensee under s. 562.05 (1) ~~(d)~~ (c) shall retain total breakage for each race day.

~~SECTION 2706L. 562.09 (3) (c) 3 of the statutes is amended to read:~~

~~562.09 (3) (c) 3. That the animal has been suspended from a race is currently under suspension from racing, or has ever been suspended from racing for a major violation, under this chapter or under any rule promulgated under this chapter or under the laws of any other state.~~

Vetoed
in Part

SECTION 2706m. 562.09 (3) (d) of the statutes is amended to read:

562.09 (3) (d) Use, attempt to use or conspire to use a battery, buzzer, electrical, mechanical or other appliance for the purpose of stimulating or depressing an animal or affecting its performance in a race or workout.

SECTION 2706p. 562.11 (title) of the statutes is amended to read:

562.11 (title) Prohibited wagering activities.

SECTION 2706q. 562.124 (1) of the statutes is amended to read:

562.124 (1) The board may authorize on-track pari-mutuel betting wagering on snowmobile racing at times and places, as determined by the board, that do not conflict with other racing authorized by this chapter.

SECTION 2706r. 562.124 (2) of the statutes is amended to read:

562.124 (2) If the board authorizes on-track pari-mutuel betting wagering on snowmobile racing under sub. (1), the board shall regulate the pari-mutuel betting wagering and shall promulgate all rules necessary to administer this section. Through its rules, the board shall do everything necessary to ensure the public interest and protect the integrity of the sport of snowmobile racing.

SECTION 2706s. 562.124 (4) of the statutes is amended to read:

562.124 (4) If the board authorizes on-track pari-mutuel betting wagering on snowmobile racing, the board shall prepare and submit to the chief clerk of each house of the legislature under s. 13.172 (2) a report on whether any additional civil or criminal penalties are necessary to enforce its rules.

SECTION 2706t. 562.125 (1) of the statutes is amended to read:

562.125 (1) INVESTIGATIONS. The department of justice may investigate any activities by the board and the board's employees and contractors, or by the licensees and their employees and contractors, which affect the operation or administration of racing and on-track pari-mutuel betting wagering, and shall report suspected violations of state or federal law to the appropriate prosecuting authority.

SECTION 2707. 565.01 (4r) (a) of the statutes is amended to read:

565.01 (4r) (a) The fact that this state has a state lottery or participates in a multistate lottery.

SECTION 2708. 565.02 (4) (e) of the statutes is amended to read:

565.02 (4) (e) Establishing requirements for advertising of the state lottery, and any multistate lotteries in which the state participates, that are in addition to those specified under s. 565.32.

~~SECTION 2708r. 565.25 (2) (a) 2. (intro.) of the statutes is amended to read:~~

Vetoed in Part ~~565.25 (2) (a) 2. (intro.) Except as otherwise expressly provided, ss. 16.70 to 16.77 do not apply to major procurements made by the executive director under this paragraph. Sections 16.72 (2) (c) and (d), 16.75 (1), (1m), (2), (2m), (3), (3m) (a) and (b), (3s), (3t), (6), (7) and (8), 16.754 and 16.77 (2) apply to purchases by the executive director under this paragraph except as follows:~~

SECTION 2709. 565.25 (2) (c) of the statutes is amended to read:

565.25 (2) (c) A major procurement contract under this subsection may be for any term deemed to be in the best interests of the state lottery or the multistate lottery in which the state participates, but the term and any provisions for renewal or extension shall be incorporated in the bid specifications or proposal solicitation and the contract document.

SECTION 2710. 565.27 (1) (intro.) of the statutes is amended to read:

565.27 (1) GAME FEATURES AND PROCEDURES. (intro.) Subject to this section, the rules promulgated under s. 565.02 (3) (d) and (4) (a) and board approval, the executive director shall determine the particular features of and procedures for each lottery game offered. The executive director shall recommend to the board for promulgation by rule under s. 565.02 (3) (d) the types of state or multistate lottery games to be offered, except that no game may be offered for which winners are selected based on the results of a race or sporting event. The features and procedures shall be in writing, shall be accessible to the public and shall include all of the following:

SECTION 2711. 565.30 (4) of the statutes is amended to read:

565.30 (4) WITHHOLDING OF INCOME TAXES. The executive director shall withhold from lottery winnings any federal income taxes required to be withheld under 26 USC 3402 (q) (3) (B) and any state taxes required to be withheld under s. ~~71.205~~ 71.67 (4).

SECTION 2712. 565.30 (5) of the statutes is amended to read:

565.30 (5) WITHHOLDING OF DELINQUENT STATE TAXES, CHILD SUPPORT OR DEBTS OWED THE STATE. The executive director shall report the name, address and social security number of each winner of a lottery prize equal to or greater than \$1,000 to the department of revenue to determine whether the payee of the prize is delinquent in the payment of state taxes under ch. 71, 72, 76, 77, 78 or 139 or in court-ordered payment of child support or has a debt owing to the state. Upon receipt of a report under this subsection, the department of revenue shall first ascertain based on certifications by the department of health and social services under s. 46.255 (2) whether any person named in the report is currently delinquent in court-ordered payment of child support and shall next certify to the executive director whether any person named in the report is delinquent in court-ordered payment of child support or payment of state taxes under ch. 71, 72, 76, 77, 78 or 139. Upon this certification by the department of revenue or upon court order the executive director shall withhold the certified amount and send it to the department of revenue for remittance to the appropriate agency or person. At the time of remittance, the department of revenue shall charge its administrative expenses to the state agency that has received the remittance. The administrative expenses received by the department of revenue shall be credited to the appropriation under s. 20.566 (1) (h). In instances in which the payee of the prize is delinquent both in payments for state taxes and in court-ordered payments of child support, or is delinquent in one or both of these payments and has a debt owing to the state, the amount remitted to the appropriate agency or person shall be in proportion to the prize amount as is the delinquency or debt owed by the payee.

SECTION 2713. 565.30 (5m) of the statutes is created to read:

565.30 (5m) WITHHOLDING OF CHILD SUPPORT, SPOUSAL SUPPORT, MAINTENANCE OR FAMILY SUPPORT. The executive director shall report to the department of health and social services the name, address and social security number of each winner of a lottery prize that is payable in instalments. Upon receipt of the report, the department of health and social services shall certify to the executive director whether any payee named in the report is obligated to provide child support, spousal support, maintenance or family support under s. 767.02 (1) (f) or (g), 767.10, 767.23, 767.25, 767.26, 767.261 or 948.22 (7) and the amount required to be withheld from the lottery prize under s. 767.265. The executive director shall withhold the certified amount from each payment made to the winner and remit the certified amount to the department of health and social services.

SECTION 2714. 565.32 (1) of the statutes is amended to read:

565.32 (1) **PROMOTIONAL ADVERTISING PROHIBITION.** The expenditure by the board or any other state agency of public funds or of revenues derived from lottery operations to engage in promotional advertising of the state lottery or any multistate lottery is prohibited.

SECTION 2715. 565.32 (2) (a) of the statutes is amended to read:

565.32 (2) (a) A retailer or a combination of retailers, a vendor or a combination of vendors or a combination of retailers and vendors may engage in promotional advertising of the state lottery or any multistate lottery in which the state participates.

SECTION 2716. 565.37 (1) of the statutes is amended to read:

565.37 (1) **FINANCIAL AND PERFORMANCE AUDITS.** The board shall annually contract with the legislative audit bureau to conduct a financial audit of the transactions and accounts of the state lottery, and, to the extent of the board's participation, of any multistate lotteries in which the state participates, for the preceding fiscal year and shall biennially contract with the legislative audit bureau for a performance audit of the state lottery and, to the extent of the board's participation, of those multistate lotteries.

SECTION 2717. 565.40 (1) of the statutes is amended to read:

565.40 (1) **INVESTIGATIONS.** The department of justice may investigate any activities by the board, vendors, or lottery employees, including the executive director, which affect the operation or administration of the state lottery or any multistate lottery in which the state participates, and shall report suspected violations of state or federal law to the appropriate prosecuting authority.

Vetoed
in Part

SECTION 2717n. 600.01 (1) (b) ~~and 8~~ of the statutes are created to read:

Vetoed
in Part

600.01 (1) (b) ~~7. Guarantees of the Wisconsin health and educational facilities authority under ss. 234.765, 234.78, 234.785, 234.79, 234.795, 234.80, 234.81, 234.82, 234.83, 234.84, 234.85, 234.86, 234.87, 234.88, 234.89, 234.90, 234.905 and 234.907.~~

Vetoed
in Part

8. Guarantees of the Wisconsin housing and economic development authority under ss. 234.765, ~~234.78, 234.785, 234.79, 234.795, 234.80, 234.81, 234.82, 234.83, 234.84, 234.85, 234.86, 234.87, 234.88, 234.89, 234.90, 234.905 and 234.907.~~

SECTION 2717p. 600.01 (2) of the statutes is amended to read:

600.01 (2) **EXCEPTIONS.** After a hearing, the commissioner may order an insurer to transfer the Wisconsin portion of the business under sub. (1) (b) 3 or 4 to an authorized insurer if it is written by an unauthorized one, or may subject any insurance under sub. (1) (b) 1 to 6 to chs. 600 to 646, on a finding that the foregoing conditions are not satisfied or that any circumstances require that the insurer be authorized to do business in this state or that the transactions be subject to chs. 600 to 646 in order to provide adequate protection to Wisconsin insureds and public. Coverage of a resident of this state is the doing of an insurance business in this state and subjects the insurer to

the jurisdiction of the commissioner and of the courts of this state.

SECTION 2718. 600.03 (28g) of the statutes is created to read:

600.03 (28g) "Long-term care insurance policy" means a disability insurance policy or certificate advertised, marketed, offered or designed primarily to provide coverage for care that is provided in institutional and community-based settings and that is convalescent or custodial care or care for a chronic condition or terminal illness. The term does not include a medicare supplement policy or medicare replacement policy or a continuing care contract, as defined in s. 647.01 (2).

SECTION 2718m. 601.31 (1) (k) of the statutes is amended to read:

601.31 (1) (k) For filing an annual statement, \$25, except as provided in s. 641.13.

SECTION 2719m. 601.415 (10) of the statutes is created to read:

601.415 (10) **PETROLEUM PRODUCT STORAGE REMEDIAL ACTION PROGRAM RULES.** The commissioner shall promulgate the rules required under s. 101.143 (1m).

SECTION 2720. 601.55 of the statutes is created to read:

601.55 Nondomestic insurers; additional requirements. If another state or a foreign country requires domestic insurers doing business in that state or foreign country to deposit security, to pay a fee or tax not included in the computation under s. 76.66, to pay a fine or penalty or to comply with an obligation, prohibition or restriction that is in addition to or greater than requirements imposed by this state on nondomestic insurers doing a similar business in this state, this state may, as a condition for issuing a license to an insurer domiciled in that state or foreign country, impose a similar security requirement, fee, tax, fine, penalty, obligation, prohibition or restriction.

SECTION 2721. 625.16 of the statutes is amended to read:

625.16 (title) Loss ratios for certain disability policies. The commissioner may by rule establish reasonable minimum standards for loss ratios of medicare supplement policies and medicare replacement policies and long-term care insurance policies. The standards shall be based on incurred claims experience and earned premiums and be in accord with accepted actuarial principles so that benefits will be reasonable in relation to the premiums charged.

~~SECTION 2722n. 628.36 (2m) (title) of the statutes is amended to read:~~

~~628.36 (2m) (title) PHARMACEUTICAL SERVICES.~~

~~SECTION 2722n. 628.36 (2m) (a) of the statutes is renumbered 628.36 (2m) (a) (intro.) and amended to read:~~

~~628.36 (2m) (a) (intro.) In this subsection, "health,"~~

Vetoed
in Part

Vetoed in Part 1. "Health maintenance organization" has the meaning given in s. 609.01 (2).

SECTION 2722m. 628.36 (2m) (a) 2 and 3 of the statutes are created to read:

628.36 (2m) (a) 2. "Limited service health organization" has the meaning given in s. 609.01 (3).

3. "Preferred provider plan" has the meaning given in s. 609.01 (4).

SECTION 2722p. 628.36 (2m) (e) of the statutes is amended to read:

Vetoed in Part 628.36 (2m) (e) 1. A health maintenance organization, ~~limited service health organization or preferred provider plan~~ that provides coverage of pharmaceutical services when performed by one or more pharmacists who are selected by the organization ~~or plan~~ but who are not full-time salaried employees or partners of the organization ~~or plan~~ shall provide an annual period of at least 30 days during which any pharmacist registered under ch. 450 may elect to participate in the health maintenance organization, ~~limited service health organization or preferred provider plan~~ under its terms as a selected provider for at least one year.

Vetoed in Part 2. Except as provided in subd. 3, subd. 1 applies to health maintenance organizations on and after May 10, 1984, and before July 1, 1989, or the effective date of the 1989-91 budget bill, whichever is later. ~~Except as provided in subd. 4, subd. 1 applies to limited service health organizations and preferred provider plans on and after the effective date of this subdivision. [revisor inserts date].~~

Vetoed in Part 3. If compliance with the requirements of subd. 1 during the period specified in subd. 2 would impair any provision of a contract between a health maintenance organization and any other person, and if the contract provision was in existence prior to May 10, 1984, then immediately after the expiration of all such contract provisions, ~~if before July 1, 1989, or the effective date of the 1989-91 budget bill, whichever is later,~~ the health maintenance organization shall comply with the requirements of subd. 1, and if on or after July 1, 1989, or the effective date of the 1989-91 budget bill, whichever is later, shall provide one period of at least 30 days during which any pharmacist may elect to participate in the health maintenance organization, as provided in subd. 1, for at least one year.

Vetoed in Part SECTION 2722c. 628.36 (2m) (e) 4 of the statutes is created to read:

628.36 (2m) (e) 4. If compliance with the requirements of subd. 1 during the period specified in subd. 2 would impair any provision of a contract between a limited service health organization or preferred provider plan and any other person, and if the contract was in existence prior to the effective date of this subdivision, ~~then immediately after the expiration of all such contract provisions the limited service health organization or preferred provider plan shall comply with the requirements of subd. 1.~~

Vetoed in Part SECTION 2723h. 632.36 (title) of the statutes is amended to read:

SECTION 2723h. 632.36 (title) of the statutes is amended to read:

632.36 (title) Accident in the course of business or employment.

SECTION 2723i. 632.36 of the statutes is renumbered 632.36 (1) and amended to read:

632.36 (1) (title) **RATE AND OTHER TERMS.** An insurer may increase or charge a higher rate for a motor vehicle liability insurance policy issued or renewed on or after April 16, 1982, on the basis of an accident which occurs while the insured is operating a motor vehicle in the course of the insured's business or employment, only if the policy covers the insured for liability arising in the course of the insured's business or employment. An insurer may issue or renew a motor vehicle liability insurance policy on or after the effective date of this subsection [revisor inserts date], on terms that are less favorable to the insured than would otherwise be offered, including but not limited to the rate, because of an accident which occurs while the insured is operating a motor vehicle in the course of the insured's business or employment, only if the policy covers the insured for liability arising in the course of the insured's business or employment.

SECTION 2723j. 632.36 (2) of the statutes is created to read:

632.36 (2) **CANCELLATION OR NONRENEWAL.** An insurer may cancel a motor vehicle liability insurance policy that is issued or renewed on or after the effective date of this subsection [revisor inserts date], or refuse to renew a motor vehicle liability insurance policy on or after the effective date of this subsection [revisor inserts date], on the basis of an accident which occurs while the insured is operating a motor vehicle in the course of the insured's business or employment, only if the policy covers the insured for liability arising in the course of the insured's business or employment.

SECTION 2724. 632.72 of the statutes is amended to read:

632.72 Medical assistance; assignment. The providing of medical benefits under s. 49.02 or 49.046 or of medical assistance under s. 49.45, 49.46, 49.465, 49.468 or 49.47 constitutes an assignment to the department of health and social services or the county providing the medical benefits or assistance. The assignment shall be, to the extent of the medical benefits or assistance provided, for benefits to which the recipient would be entitled under any policy of health and disability insurance.

SECTION 2725. 632.73 (1) of the statutes is amended to read:

632.73 (1) **RIGHT OF RETURN.** A policyholder may return ~~any an~~ individual or franchise disability policy within 10 days after receipt. If the policyholder does so, the contract is void, and all payments made under it shall be refunded. This subsection does not apply to medicare supplement policies ~~or~~ medicare replacement policies or long-term care insurance policies subject to sub. (2m).

Vetoed in Part SECTION 2723c. 628.36 (2m) (e) 4 of the statutes is created to read:

628.36 (2m) (e) 4. If compliance with the requirements of subd. 1 during the period specified in subd. 2 would impair any provision of a contract between a limited service health organization or preferred provider plan and any other person, and if the contract was in existence prior to the effective date of this subdivision, ~~then immediately after the expiration of all such contract provisions the limited service health organization or preferred provider plan shall comply with the requirements of subd. 1.~~

SECTION 2726. 632.73 (2m) of the statutes is amended to read:

632.73 (2m) (title) MEDICARE SUPPLEMENT POLICIES, MEDICARE REPLACEMENT POLICIES AND LONG-TERM CARE INSURANCE POLICIES. Medicare supplement policies ~~and, medicare replacement policies, other than those issued pursuant to direct response solicitation, and long-term care insurance policies~~ shall have a notice that complies with this subsection prominently printed on the first page of the policy or certificate, or attached thereto stating in substance, The notice shall state that the applicant policyholder or certificate holder shall have the right to return the policy or certificate within ~~10~~ 30 days of its delivery to the policyholder or certificate holder and to have the premium refunded to the person who paid the premium if, after examination of the policy or certificate, the ~~applicant policyholder or certificate holder~~ is not satisfied for any reason. ~~Medicare supplement policies and medicare replacement policies issued pursuant to a direct response solicitation shall have a notice prominently printed on the first page or attached thereto stating in substance that the applicant shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded if, after examination, the applicant is not satisfied for any reason.~~ The commissioner may by rule exempt from this subsection certain classes of medicare supplement policies ~~and, medicare replacement policies and long-term care insurance policies,~~ if the commissioner finds the exemption is not adverse to the interest interests of policyholders and certificate holders.

SECTION 2726m. 632.75 (3) of the statutes is amended to read:

632.75 (3) PROHIBITION OF EXCLUSION FROM COVERAGE OF CERTAIN DEPENDENT CHILDREN. No disability insurance policy issued or renewed on or after April 30, 1980, may exclude or terminate from coverage any dependent child of an insured person or group member. This subsection does not apply to a group policy, as defined in s. 632.897 (1) (c), or an individual policy, as defined in s. 632.897 (1) (cm), that is subject to s. 632.897 (10).

SECTION 2727. 632.76 (2) (b) of the statutes is amended to read:

632.76 (2) (b) ~~No~~ Notwithstanding par. (a), no claim for loss incurred or disability commencing after 6 months from the date of issue of a medicare supplement policy ~~or a, medicare replacement policy or long-term care insurance policy~~ may be reduced or denied on the ground that a disease or physical condition existed prior to the effective date of coverage. ~~Neither a A medicare supplement policy nor a, medicare replacement policy or long-term care insurance policy~~ may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within 6 months before the effective

date of coverage. Notwithstanding par. (a), if on the basis of information contained in an application for insurance a medicare supplement policy, medicare replacement policy or long-term care insurance policy excludes from coverage a condition by name or specific description, the exclusion must terminate no later than 6 months after the date of issue of the medicare supplement policy, medicare replacement policy or long-term care insurance policy. The commissioner may by rule exempt from this paragraph certain classes of medicare supplement policies ~~and, medicare replacement policies and long-term care insurance policies,~~ if the commissioner finds the exemption is not adverse to the interest interests of policyholders and certificate holders.

SECTION 2728. 632.81 of the statutes is amended to read:

632.81 (title) Minimum standards for certain disability policies. The commissioner may by rule establish minimum standards for ~~benefits under~~ medicare supplement policies ~~and, medicare replacement policies and long-term care insurance policies~~ to ensure that coverage is the benefits under and terms of medicare supplement policies, medicare replacement policies and long-term care insurance policies are reasonable in relation to benefits. The commissioner may by rule exempt from the minimum standards certain types of coverage, if the commissioner finds the exemption is not adverse to the interest interests of policyholders and certificate holders.

SECTION 2729. 632.82 of the statutes is created to read:

632.82 Renewability of long-term care insurance policies. Notwithstanding s. 631.36 (2) to (5), the commissioner shall, by rule, require long-term care insurance policies that are issued on an individual basis to include a provision restricting the insurer's ability to terminate or alter the long-term care insurance policy except for nonpayment of premium. The rule may specify exceptions to the restriction, including exceptions that allow insurers to do any of the following:

(1) Change the rates charged on a long-term care insurance policy if the rate change is made on a class basis.

(2) Refuse to renew a long-term care insurance policy if conditions specified in the rule are satisfied. The conditions shall, at a minimum, require all of the following:

(a) That the nonrenewal be on other than an individual basis.

(b) That the insurer demonstrate to the commissioner that renewal will affect the insurer's solvency or loss experience as specified in the rule.

SECTION 2730. 632.84 (title) of the statutes is amended to read:

632.84 (title) Benefit appeals under certain policies.

SECTION 2731. 632.84 (2) (a) (intro.) and 1 of the statutes are amended to read:

632.84 (2) (a) (intro.) Except as provided in sub. (3), an insurer offering a medicare supplement policy, medicare replacement policy ~~or~~, nursing home insurance policy or long-term care insurance policy shall establish an internal procedure by which the policyholder ~~and or the insured certificate holder~~ or a representative of the policyholder or the ~~insured certificate holder~~ may appeal the denial of any benefits under the medicare supplement policy, medicare replacement policy ~~or~~, nursing home insurance policy or long-term care insurance policy. The procedure established under this paragraph shall include all of the following:

1. The opportunity for the policyholder ~~and insured or certificate holder~~ or a representative of the policyholder or ~~insured certificate holder~~ to submit a written request, which may be in any form and which may include supporting material, for review by the insurer of the denial of any benefits under the policy.

SECTION 2732. 632.84 (2) (b) to (d) of the statutes are amended to read:

632.84 (2) (b) An insurer shall describe the procedure established under par. (a) in every policy, group certificate and outline of coverage issued in connection with a medicare supplement policy, medicare replacement policy ~~or~~, nursing home insurance policy or long-term care insurance policy.

(c) If an insurer denies any benefits under a medicare supplement policy, medicare replacement policy ~~or~~, nursing home insurance policy or long-term care insurance policy, the insurer shall, at the time the insurer gives notice of the denial of any benefits, provide the policyholder and ~~insured certificate holder~~ with a written description of the appeal process established under par. (a).

(d) An insurer offering a medicare supplement policy, medicare replacement policy ~~or~~, nursing home insurance policy or long-term care insurance policy shall annually report to the commissioner a summary of all appeals filed under this section and the disposition of those appeals.

SECTION 2733. 632.897 (1) (b) of the statutes is amended to read:

632.897 (1) (b) "Employer" means the policyholder in the case of a group policy as defined in par. (c) 1 or 1m and the sponsor in the case of a group policy as defined in par. (c) 2 or 3.

SECTION 2734. 632.897 (1) (c) 1m of the statutes is created to read:

632.897 (1) (c) 1m. A long-term care insurance policy issued by an insurer to a policyholder on behalf of a group;

SECTION 2735. 632.897 (1) (cm) of the statutes is amended to read:

632.897 (1) (cm) "Individual policy" means an insurance policy whereby an insured receives hospital or medical coverage on either an expense incurred or service basis, other than for specified diseases or for

accidental injuries, and a long-term care insurance policy.

SECTION 2736. 632.897 (1) (d) of the statutes is amended to read:

632.897 (1) (d) "Insurer" means the insurer in the case of a group policy as defined in par. (c) 1, 1m or 3 and the sponsor in the case of a group policy as defined in par. (c) 2.

SECTION 2736m. 632.897 (1m) of the statutes is amended to read:

632.897 (1m) ~~This~~ Except as provided in sub. (10), this section applies to any group policy which would otherwise be exempt under s. 600.01 (1) (b) 3 if at least 150 of the certificate holders or insureds are residents of this state.

SECTION 2737. 632.897 (2) (d) of the statutes is amended to read:

632.897 (2) (d) If the employer is notified to terminate the coverage for any of the reasons provided under par. (b), the employer shall provide the terminated insured written notification of the right to continue group coverage or convert to individual coverage and the payment amounts required for either continued or converted coverage including the manner, place and time in which the payments shall be made. This notice shall be given not more than 5 days after the employer receives notice to terminate coverage. The payment amount for continued group coverage may not exceed the group rate in effect for a group member, including an employer's contribution, if any, for a group policy as defined in sub. (1) (c) 1 or 1m or the equivalent value of the monthly contribution of a group member to a group policy as defined in sub. (1) (c) 2 or the equivalent value of the monthly premium for franchise insurance as defined in sub. (1) (c) 3. The premium for converted coverage shall be determined in accordance with the insurer's table of premium rates applicable to the age and class of risks of each person to be covered under that policy and to the type and amount of coverage provided. The notice may be sent to the terminated insured's home address as shown on the records of the employer.

SECTION 2738. 632.897 (4) (b) of the statutes is amended to read:

632.897 (4) (b) The commissioner ~~of insurance~~ shall promulgate, by rule, 3 plans of individual coverage varying in degree of covered benefits to be offered as individual conversion policies. The insurer provides reasonably similar individual coverage if a person is offered his or her choice of the plans promulgated by the commissioner ~~of insurance~~ or is offered a high limit comprehensive plan of benefits regularly provided by the insurer for conversions and approved for this purpose by the commissioner ~~of insurance~~. This paragraph does not apply if the policy being converted is a long-term care insurance policy.

SECTION 2739. 632.897 (4) (bm) of the statutes is created to read:

632.897 (4) (bm) The commissioner shall specify, by rule, the minimum standards that an individual conversion policy must satisfy if the policy being converted is a long-term care insurance policy. An insurer provides reasonably similar individual coverage to a person converting a long-term care insurance policy if the person is offered an individual conversion policy that complies with the rules promulgated under this paragraph.

SECTION 2740. 632.897 (5) of the statutes is amended to read:

632.897 (5) A notification of the group continuation and individual conversion privileges shall be included in each certificate of coverage for a group policy as defined in sub. (1) (c) 1, 1m or 3 and in any evidence of coverage provided by a group policy as defined in sub. (1) (c) 2.

SECTION 2740c. 632.897 (10) of the statutes is renumbered 632.897 (10) (a) and amended to read:

632.897 (10) (a) No group policy or individual policy which provides coverage to dependent children of the group member or insured may deny eligibility for coverage to any child, or set a premium for any child which is different from that which is set for other dependent children, based solely because on any of the following:

1. The fact that the child does not reside with the group member or insured or solely because the child is dependent on another parent rather than the group member or insured. A child of dependent age, as defined by the group policy or individual policy, who does not reside with the group member or insured, or who is dependent on another parent, may be excluded from coverage according to the same criteria used to determine exclusion from coverage of a child who resides with and is dependent on the group member or insured, except that the exclusion may not be based on the

2. The proportion of the child's support provided by the parent group member or insured.

SECTION 2740e. 632.897 (10) (a) 3, (b) and (c) of the statutes are created to read:

632.897 (10) (a) 3. The fact that the group member or insured does not claim the child as an exemption for federal income tax purposes under 26 USC 151 (c) (1) (B), or as an exemption for state income tax purposes under s. 71.07 (8) (b) or under the laws of another state, if a court order under s. 767.25 (4m) or 767.51 (3m) or the laws of another state assigns responsibility for the child's health care expenses to the group member or insured.

(b) Paragraph (a) does not prohibit an insurer from determining the eligibility of a group member's or insured's child for coverage under the group policy or individual policy, or the premium for that coverage, based on factors that are not prohibited by par. (a) 1, 2 or 3 and that the insurer applies generally to determine the eligibility of children for coverage, and the pre-

mium for coverage, under the group policy or individual policy.

(c) This subsection applies to any group policy that would otherwise be exempt under s. 600.01 (1) (b) 3 if at least 25 of the certificate holders or insureds are residents of this state.

~~SECTION 2740m. 641.07 (2) of the statutes is renumbered 641.07 (2) (intro.) and amended to read:~~

~~641.07 (2) (intro.) "Employee welfare fund" means any of the following:~~

~~(a) Any trust fund or other fund established or maintained jointly by one or more employers together with one or more labor organizations, solely by any employer or labor organization or jointly by employers or jointly by labor organizations, whether directly or through trustees, to provide employee benefits, by the purchase of insurance or annuity contracts or otherwise, and to which is paid or contracted to be paid anything, other than income from investments of such fund, by or on behalf of any employer doing business in this state or for the benefit of any persons employed in this state.~~

~~SECTION 2740n. 641.07 (2) (b) of the statutes is created to read:~~

~~641.07 (2) (b) Any self-insured plan established by one county or jointly by 2 or more counties under s. 59.07 (2) (c) to provide health care benefits to county officers and employees, and any self-insured plan established by one school district or jointly by 2 or more school districts under s. 120.13 (2) (b) to provide health care benefits to school district employees.~~

SECTION 2740p. 641.12 (2) of the statutes is amended to read:

641.12 (2) The commissioner shall annually determine filing fees to be paid by every employee welfare fund registered under this chapter, except as provided in s. 641.13. Such fee shall provide for the expenses, not otherwise provided for, of the welfare funds division of the office of the commissioner of insurance, including the general costs of the office of the commissioner of insurance which may appropriately be allocated to such division. The fee so assessed shall be paid with the filing and shall not exceed \$40 per employee welfare fund. In determining the amount of such fee the commissioner shall make allowance for any surplus collected in prior years.

SECTION 2740r. 641.13 of the statutes is amended to read:

641.13 Annual statement to commissioner. The trustees of every employee welfare fund which covers more than 25 persons employed in this state shall file in the office of the commissioner, annually within 5 months after the close of the fiscal year used in maintaining the records of the fund, a statement, to be known as the annual statement of the fund, verified by the oath of its trustee or, if there is more than one trustee, then by the oaths of at least 2 of the trustees, showing its condition and affairs during the fiscal

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year. The statement shall be in the form and contain substantiation by vouchers and otherwise and any other information the commissioner from time to time prescribes. The commissioner shall cause to be prepared and furnished to the trustees of every employee welfare fund, required by law to report under this section, printed forms of the required statements and schedules. For good cause, the commissioner may grant reasonable extensions of time for filing under this subsection, not to exceed 90 days. The commissioner may not collect a fee for filing an annual statement of an employee welfare fund if any employer maintaining the employee welfare fund is a county.

SECTION 2741b. 646.31 (3) (a) of the statutes is renumbered 646.31 (3) (am) and amended to read:

646.31 (3) (am) Payment Except as provided in pars. (b) and (c), payment under this chapter is limited to the amount by which the claim exceeds \$200. Claims may not be aggregated by assignment or otherwise for application of this deductible.

SECTION 2741c. 646.31 (3) (a) of the statutes is created to read:

646.31 (3) (a) In this subsection, "health insurance policy" does not include a policy providing income continuation coverage or benefits for loss of time.

SECTION 2741d. 646.31 (3) (b) of the statutes is amended to read:

646.31 (3) (b) With regard to contracts subject to s. 646.35 (2) or (3) other than health insurance policies, in lieu of the deductible under par. (a) (am), the board may impose a deductible not to exceed the lesser of 10% or \$200 on any claim or other benefit payment if the board deems the imposition of this deductible more equitable or practical than that under par. (a) (am).

SECTION 2741e. 646.31 (3) (c) of the statutes is created to read:

646.31 (3) (c) A claim or other benefit payment under this chapter that is made under a health insurance policy may not be subject to the deductible under par. (am) or (b).

SECTION 2743. 646.51 (7) of the statutes is renumbered 646.51 (7) (a) and amended to read:

646.51 (7) (a) An insurer's premium rates are not excessive because they contain an amount reasonably calculated to recoup assessments made under this chapter.

(b) If the premium rates on a class of business are fixed, so that it is not possible for the an insurer to recoup its assessments by increasing premium rates on the class of business, the insurer may offset 20% of the amount of the Wisconsin portion of the assessment against its tax liabilities to this state, other than real property taxes, in each of the 5 calendar years following the year in which the assessment was paid.

(c) If the an insurer ceases doing business in this state, all assessments not yet offset may be offset against its tax liabilities to this state for the year it ceases doing business. If the offset exceeds the tax lia-

bilities, no refund will be made and there will be no carry-forward of the deficit to later years.

(d) Any amount available for credit against future tax liabilities under this subsection may be regarded as an asset of the insurer under rules promulgated by the commissioner.

~~SECTION 2743d. 655.001 (8) of the statutes is renumbered 655.001 (8) (a) (intro.) and amended to read:~~

~~655.001 (8) (a) (intro.) "Health care provider" means a any of the following, except as provided in par. (b):~~

~~1. A medical or osteopathic physician licensed under ch. 448; a.~~

~~2. A nurse anesthetist licensed under ch. 441; a.~~

~~3. A partnership comprised of such medical or osteopathic physicians or nurse anesthetists; a.~~

~~4. A corporation organized and operated in this state for the purpose of providing the medical services of medical or osteopathic physicians or nurse anesthetists; an.~~

~~5. An operational cooperative sickness care plan organized under ss. 185.981 to 185.985 which directly provides services through salaried employees in its own facility; an.~~

~~6. An ambulatory surgery center; a.~~

~~7. A hospital, as defined by in s. 50.33 (2) (a) and (c) and any.~~

~~8. An entity operated in this state in connection with one or more hospitals and owned or controlled by the hospital or hospitals when the entity is assisting the hospital or hospitals in providing diagnosis or treatment of, or care for, patients of the hospital or hospitals; or a.~~

~~9. A nursing home, as defined by in s. 50.01 (3), whose operations are combined as a single entity with a hospital subject to this section described in subd. 7, whether or not the nursing home operations are physically separate from hospital operations. It excludes any state, county or municipal employee or federal employee covered under the federal tort claims act, as amended, who is acting within the scope of employment, and any facility exempted by s. 50.39 (3) or operated by any governmental agency, but any state, county or municipal employee or facility so excluded who would otherwise be included in this definition may petition in writing to be afforded the coverage provided by this chapter and upon filing the petition with the commissioner and paying the fee required under s. 655.27 (3) will be subject to this chapter.~~

~~SECTION 2743f. 655.001 (8) (b) of the statutes is created to read:~~

~~655.001 (8) (b) "Health care provider" does not include any of the following:~~

~~1. A federal employee covered under the federal tort claims act, as amended, who is acting within the scope of his or her employment.~~

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2. A state, county or municipal employee who is acting within the scope of his or her employment.

3m. A medical or osteopathic physician licensed under ch. 448 or a nurse anesthetist licensed under ch. 441, who provides professional services under the conditions described in s. 146.89, with respect to those professional services provided by the physician or nurse anesthetist for which he or she is covered by s. 165.25 and considered an agent of the department, as provided in s. 165.25 (6) (b).

4. A facility that is exempt under s. 50.39 (3) or operated by a governmental agency.

SECTION 2743j. 655.0025 of the statutes is created to read:

655.0025. Public employees and facilities; volunteer providers. If a person described in s. 655.001 (8) (b) 2 or 3m or a facility described in s. 655.001 (8) (b) 4 would qualify as a health care provider under s. 655.001 (8) (a) if not excluded by s. 655.001 (8) (b), the person may petition the commissioner in writing to be afforded the coverage provided by this chapter. Upon paying the assessment and filing proof of financial responsibility as required under s. 655.23 (1) and (2), the person is subject to this chapter as a health care provider.

Vetoed
in Part

SECTION 2743m. 704.045 of the statutes is created to read:

704.045. Landlord to disclose lead-bearing paint. If residential real property has lead-bearing paint, as defined in s. 151.01 (3), on an exposed surface on the inside of the property, a landlord shall disclose to a residential tenant or to a potential residential tenant the presence of the lead-bearing paint before renting the property.

SECTION 2743p. 707.58 (2) of the statutes is amended to read:

707.58 (2) Sections 707.03, 707.30 (5) (a) 1 to 9 and 14 to 16 and (c) 1, 707.35 (1) to (6) and (8), 707.36, 707.37 and, 707.38 (1), (2), (3) and (5), 707.40 and 707.50 to 707.52 apply to time shares created before June 1, 1988.

SECTION 2743q. 707.58 (7) of the statutes is amended to read:

707.58 (7) Sections 707.38 (1m) and (4) and, 707.41 to 707.48 and 707.54 to 707.56 apply to time shares which were created before June 1, 1988, and which are sold on or after June 1, 1988.

SECTION 2744. 710.02 (4) (b) of the statutes is amended to read:

710.02 (4) (b) The secretary shall semiannually submit to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), a report summarizing information received under par. (a).

Vetoed
in Part

SECTION 2744c. 710.20 of the statutes is created to read:

710.20. Owner to disclose lead-bearing paint. If residential real property has lead-bearing paint, as

defined in s. 151.01 (3), on an exposed surface on the inside of the property, a person shall disclose to a buyer or potential buyer or to a transferee or potential transferee the presence of the lead-bearing paint before selling or transferring the property.

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SECTION 2745. 752.31 (4) of the statutes is amended to read:

752.31 (4) If a request for a 3-judge panel is granted under sub. (3), the district attorney handling the case under s. 59.47 (7) 978.05 (5) shall transfer all necessary files and papers relating to the case to the attorney general.

SECTION 2746. 753.075 (3) (a) of the statutes is amended to read:

753.075 (3) (a) Temporary reserve judges shall receive a per diem of \$175 \$190 and while serving outside the county in which they reside shall also receive actual and necessary expenses incurred in the discharge of judicial duties. This per diem compensation is not subject to s. 40.26 but the combined amount of this compensation and any other judicial compensation together with retirement annuities under the Wisconsin retirement system, the Milwaukee county retirement fund and other state, county, municipal, or other Wisconsin governmental retirement funds received by him or her during any one calendar year shall not exceed the yearly compensation of a circuit judge. The per diem compensation and actual and necessary expenses shall be paid from the appropriation under s. 20.625 (1) (a) when the judge is assigned to a circuit court and from the appropriation under s. 20.660 (1) (a) when the judge is assigned to the court of appeals.

SECTION 2747m. 757.25 of the statutes is amended to read:

757.25. Money in court, how deposited. The judge of any court of record on the application of a party to any action or proceeding therein who has paid \$1,000 or more into court in the action or proceeding may order the money to be deposited in a safe depository until the further order of the court or judge thereof. After the money has been so deposited it shall be withdrawn only upon a check signed by the clerk of the court pursuant to whose order the deposit was made and upon an order made by the court or the judge thereof. The fee for the clerk's services for depositing and disbursing the money is prescribed in s. 814.61 (12) (a).

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SECTION 2748. 757.69 (1) (b) of the statutes, as affected by 1989 Wisconsin Act 12, is amended to read:

757.69 (1) (b) In criminal matters issue summonses, arrest warrants or search warrants and conduct initial appearances of persons arrested and set bail to the same extent as a judge. At the initial appearance, the court commissioner shall, when necessary, inform the defendant in accordance with s. 970.02 (1). If the defendant appears or claims to be unable to afford

counsel, the court commissioner, in accordance with s. 970.02 (6), may refer the person to the authority for indigency determinations specified under s. 977.07 (1). If the court commissioner is a full-time court commissioner, he or she may conduct the preliminary examination and arraignment to the same extent as a judge. If a court refers a disputed restitution issue under s. 973.20 (13) (c) 4, the court commissioner shall conduct the hearing on the matter in accordance with s. 973.20 (13) (c) 4.

SECTION 2748k. 757.69 (3) (a) of the statutes is amended to read:

757.69 (3) (a) Officiate at a marriage ceremony ceremonies throughout the state.

SECTION 2749m. 758.03 of the statutes is repealed.

SECTION 2752. 758.13 (3) (d) of the statutes is amended to read:

758.13 (3) (d) The council may determine the qualifications of, and appoint outside the classified service, an executive secretary and such technical and clerical help as it deems necessary. ~~The council shall be provided with adequate office space in the state capitol.~~

SECTION 2752b. 758.19 (4) of the statutes is created to read:

758.19 (4) The director of state courts may develop, promote, coordinate and implement circuit court automated information systems that are compatible among counties using the moneys appropriated under s. 20.680 (2) (j). If the director of state courts provides funding to counties as part of the development and implementation of this system, the director of state courts may provide funding to counties with 1 or 2 circuit court judges for a minicomputer system only up to the level of funding that would have been provided had the county implemented a microcomputer system. In those counties with 1 or 2 circuit court judges, any costs incurred to implement a minicomputer system not funded under this subsection shall be paid by the county. Those counties may use that minicomputer system for county management information needs in addition to the circuit court automated information system use.

SECTION 2752k. 767.075 (1) (d) of the statutes is created to read:

767.075 (1) (d) Whenever a petition is filed under s. 767.65, including a petition for collection of arrearages.

SECTION 2753. 767.085 (1) (g) of the statutes is amended to read:

767.085 (1) (g) Whenever the petitioner requests an order or judgment affecting a minor child, that the petitioner requests the department of health and social services to provide services on behalf of the minor child under s. 46.25, except that this application does not authorize representation under s. 46.25 or 59.47 (14) 59.458 (2), or intervention as a party in any action, by the department of health and social services.

SECTION 2754. 767.085 (5) of the statutes is amended to read:

767.085 (5) RESPONSE, CONTENTS. Whenever the respondent requests an order or judgment affecting a minor child, the response shall state that the respondent requests the department of health and social services to provide services on behalf of the minor child under s. 46.25, except that this application does not authorize representation under s. 46.25 or 59.47 (14) 59.458 (2), or intervention as a party in any action, by the department of health and social services.

~~SECTION 2754c. 767.10 of the statutes is amended to read:~~

~~767.10 Stipulation and property division. The parties in an action for an annulment, divorce or legal separation may, subject to the approval of the court, stipulate for a division of estate, for maintenance payments, for the support of children, for periodic family support payments under s. 767.261 or for legal custody and physical placement, in case a divorce or legal separation is granted or a marriage annulled. For child support and family support stipulations, the following apply.~~

~~(1) (title) CHILD SUPPORT. A court may not approve a stipulation for child support or family support unless the stipulation provides for the payment of child support, determined in a manner consistent with s. 767.25 or 767.51 and unless the stipulation specifies the child support as provided under s. 767.25 (1) (a) and (b) or states reasons why the application of s. 767.25 (1) is unfair to the child or one of the parties.~~

~~SECTION 2754d. 767.10 (2) of the statutes is created to read:~~

~~767.10 (2) FAMILY SUPPORT. A court may not approve a stipulation for or family support unless the stipulation provides for payment of child support determined in a manner consistent with s. 767.25 or 767.51.~~

~~SECTION 2754g. 767.15 (3) of the statutes is amended to read:~~

~~767.15 (3) No judgment in any action affecting the family may be granted unless this section sub (1) is complied with or a court orders otherwise.~~

~~SECTION 2754n. 767.23 (1) (c) of the statutes is amended to read:~~

~~767.23 (1) (c) Requiring either party or both parties to make payments for the support of minor children, which payment amounts may shall be expressed as a percentage of parental income or as a fixed sum, but the temporary order shall also include a finding of the monthly amount that the percentage of income figure represents. If a parent who has been ordered to pay temporary child support has no income, the court or family court commissioner shall still enter a temporary order of child support expressed as a percentage of the parent's income. The court shall also include a finding of one of the following:~~

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~~1. That due to the parent's present lack of income, the monthly amount that the percentage figure represents is \$0. The court or family court commissioner shall also require the parent who has been ordered to pay temporary child support to notify the child's other parent and the county child support program designee under s. 59.07 (97) immediately upon his or her receipt of any income. If the county child support program is notified of the availability of income, the finding in the temporary order shall be adjusted to reflect the income.~~

~~2. That due to the earning capacity of the parent, based on the parent's education, training, and work experience and the availability of work in or near the parent's community, the monthly amount that the percentage figure represents is a fixed sum. The court or family court commissioner shall also require the parent who has been ordered to pay temporary support to notify the child's other parent and the county child support program designee under s. 59.07 (97) immediately upon his or her receipt of any income.~~

SECTION 2754r. 767.25 (1) of the statutes is renumbered 767.25 (1) (intro.) and amended to read:

767.25 (1) (intro.) Whenever the court approves a stipulation for child support under s. 767.10, enters a judgment of annulment, divorce or legal separation, or enters an order or a judgment in an action under s. 767.02 (1) (f) or (j) or 767.08, the court shall order do all of the following:

(a) Order either or both parents to pay an amount reasonable or necessary to fulfill a duty to support a child. The support amount may shall be expressed as a percentage of parental income or as a fixed sum but the court order shall also include a finding of the monthly amount that the percentage of income figure represents. If a parent who has been ordered to pay child support has no income, the court shall still enter an order of child support expressed as a percentage of the parent's income. The court shall also include a finding of one of the following:

~~1. That due to the parent's present lack of income, the monthly amount that the percentage figure represents is \$0. The court shall also require the parent who has been ordered to pay child support to notify the child's other parent and the county child support program designee under s. 59.07 (97) immediately upon his or her receipt of any income. If the county child support program is notified of the availability of income, the finding in the order shall be adjusted to reflect the income.~~

~~2. That due to the earning capacity of the parent, based on the parent's education, training, and work experience and the availability of work in or near the parent's community, the monthly amount that the percentage figure represents is a fixed sum. The court shall also require the parent who has been ordered to pay child support to notify the child's other parent~~

~~and the county child support program designee under s. 59.07 (97) immediately upon his or her receipt of any income.~~

SECTION 2754w. 767.25 (1) (b) of the statutes is created to read:

767.25 (1) (b) Ensure that the parties have stipulated which party, if either is eligible, will claim each child as an exemption for federal income tax purposes under 26 USC 151 (c) (1) (B), or as an exemption for state income tax purposes under s. 71.07 (8) (b) or under the laws of another state. If the parties are unable to reach an agreement about the tax exemption for each child, the court shall make the decision in accordance with state and federal tax laws. In making its decision, the court shall consider whether the parent who is assigned responsibility for the child's health care expenses under sub. (4m) is covered under a health insurance policy or plan, including a self-insured plan, that is not subject to s. 632.897 (10) and that conditions coverage of a dependent child on whether the child is claimed by the insured parent as an exemption for purposes of federal or state income taxes.

~~SECTION 2754z. 767.25 (1m) (hs) of the statutes is created to read:~~

~~767.25 (1m) (hs) The earning capacity of each parent, based on each parent's education, training and work experience and the availability of work in or near the parent's community.~~

SECTION 2755. 767.265 (1) of the statutes is amended to read:

767.265 (1) Each order for child support under s. 767.23 or 767.25, for maintenance payments under s. 767.23 or 767.26, for family support under s. 767.261, for support by a spouse under s. 767.02 (1) (f) or for maintenance payments under s. 767.02 (1) (g), each court-approved stipulation for child support under s. 767.10 and each order for child or spousal support entered under s. 948.22 (7) constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or 108, lottery prizes that are payable in instalments and other money due or to be due in the future to the clerk of the court where the action is filed. The assignment requires withholding sufficient to meet the payments required of the party under the order or stipulation, including any arrearages due.

SECTION 2756. 767.265 (3h) of the statutes is amended to read:

767.265 (3h) A person who receives notice of assignment under this section or similar laws of another state shall withhold the amount specified in the notice from any money that person pays to the payer later than one week after receipt of notice of assignment. Within 10 days after the day the person pays money to the payer, the person shall send the amount withheld to the clerk of court of the jurisdiction providing notice or, in the case of an amount

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ordered withheld for health care payments, to the appropriate health care insurer, provider or plan. Except as provided in sub. (3m), for each payment the person from whom the payer receives money shall receive \$4 \$3, which shall be deducted from the money to be paid to the payer. Section 241.09 does not apply to assignments under this section.

SECTION 2756f. 767.265 (6) of the statutes is renumbered 767.265 (6) (a) and amended to read:

767.265 (6) (a) Except as provided in sub. (3m), if the person from whom the payer receives money fails to withhold the money or send the money to the clerk of court after receipt of notice as provided in this section, the person may be fined not more than \$100 for each payment not withheld or sent or may be proceeded against under the principal action under ch. 785 for contempt of court and may be required to pay to the clerk of the court the amount assigned.

(b) If an employer who receives an assignment under this section fails to notify the clerk of court within 10 days after an employee is terminated or otherwise temporarily or permanently leaves employment, the employer may be fined not more than \$100 or may be proceeded against under the principal action under ch. 785 for contempt of court.

(c) No employer may use an assignment under this section as a basis for the denial of employment to a person, the discharge of an employee or any disciplinary action against an employee. An employer who denies employment or discharges or disciplines an employee in violation of this subsection paragraph may be fined not more than \$500 and may be required to make full restitution to the aggrieved person, including reinstatement and back pay. Except as provided in this subsection paragraph, restitution shall be in accordance with s. 973.20. An aggrieved person may apply to the district attorney or to the department of industry, labor and human relations for enforcement of this subsection paragraph.

(d) Compliance by the person from whom the payer receives money with the order operates as a discharge of the person's liability to the payer as to that portion of the payer's commission, earnings, salaries, wages, benefits or other money so affected.

SECTION 2756h. 767.32 (N) of the statutes is amended to read:

Vetoed
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767.32 (N) After a judgment providing for child support under s. 767.25 or 767.51, maintenance payments under s. 767.26 or family support payments under s. 767.261, or for the appointment of trustees under s. 767.31 the court may, from time to time, on the petition, motion or order to show cause of either of the parties, or upon the petition, motion or order to show cause of the department of health and social services, a county department under s. 46.215, 46.22 or 46.23 or a child support program designee under s. 59.07 (97) if an assignment has been made under s. 49.19 (4) (h) or 49.45 (19) or if either party or their minor children receives aid under ch. 49, and upon

notice to the family court commissioner, revise and alter such judgment respecting the amount of such maintenance or child support and the payment thereof, and also respecting the appropriation and payment of the principal and income of the property so held in trust, and may make any judgment respecting any of the matters which such court might have made in the original action, except that a judgment which waives maintenance payments for either party shall not thereafter be revised or altered in that respect nor shall the provisions of a judgment with respect to final division of property be subject to revision or modification. Except as provided in sub. (1r), the court shall revise child support payments by using the percentage standards established by the department of health and social services under s. 46.25 (9) (a). Every child support order revised under this section may include a provision that mandates an annual adjustment of the order as provided in s. 767.33. Any change in child support because of alleged change in circumstances shall take into consideration each parent's earning capacity and total economic circumstances. In any action under this section, receipt of aid to families with dependent children under s. 49.19 or a substantial change in the cost of living by either party or as measured by the federal bureau of labor statistics may be sufficient to justify a revision of judgment, except that a change in an obligor's cost of living is not in itself sufficient if payments are expressed as a percentage of income.

SECTION 2756j. 767.32 (1r) of the statutes is created to read:

767.32 (1r) Upon request by a party, the court may modify the amount of child support payments revised under sub. (1) if, after considering the following factors, the court finds by the greater weight of the credible evidence that use of the percentage standard is unfair to the child or to any of the parties.

- (a) The financial resources of the child.
- (b) The financial resources of both parents as determined under s. 767.255.
- (c) Maintenance received by either party.
- (d) The needs of each party in order to support himself or herself at a level equal to or greater than that established under 42 USC 9902 (2).
- (e) The needs of any person, other than the child, whom either party is legally obligated to support.
- (f) The standard of living that the child would have enjoyed had the marriage not ended in annulment, divorce or legal separation.
- (g) The desirability that the custodian remain in the home as a full-time parent.
- (h) The cost of day care if the custodian works outside the home, or the value of custodial services performed by the custodian if the custodian remains in the home.
- (i) The award of substantial periods of physical placement to both parents.

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(j) Extraordinary travel expenses incurred in exercising the right to periods of physical placement under s. 767.24.

(k) The physical, mental and emotional health needs of the child, including any costs for health insurance as provided for under s. 767.25.

(l) The child's educational needs.

(m) The tax consequences to each party.

(nn) The earning capacity of each parent, based on each parent's education, training and work experience and the availability of work in or near the parent's community.

(o) The best interests of the child.

(p) Any earlier stipulation between the parties that is based on a agreement to pay expenses for the child that are not paid for out of child support and those expenses continue to be expenses for the child.

(q) Any other factors which the court in each case determines are relevant.

SECTION 2756l. 767.32 (1v) of the statutes is created to read:

767.32 (1v) If the court finds under sub. (1r) that use of the percentage standard is unfair to the child or the requesting party, the court:

(a) May consider the guidelines for the determination of child support established by the department of health and social services under s. 46.25 (9) (b), in modifying the amount of child support payments revised under sub. (1).

(b) Shall state in writing or on the record its reasons for finding that use of the percentage standard is unfair to the child or the party, its reasons for the amount of the modification and the basis for the modification.

SECTION 2756m. 767.33 (1) of the statutes is amended to read:

767.33 (1) An order for child support under s. 767.23 or 767.25, 767.32 or 767.51 may provide for an adjustment in the amount to be paid based on a change in the obligor's earnings or in the cost of living or both. The order may specify the date on which the annual adjustment becomes effective. No adjustment may be made unless the order so provides and the party receiving payments applies for an adjustment as provided in sub. (2). An adjustment under this section may be made only once in any year.

SECTION 2756n. 767.33 (1m) of the statutes is amended to read:

767.33 (1m) This section applies only to an order under s. 767.23 or 767.25 orders in which payment is expressed as a fixed sum. It does not apply to such an order in which payment is expressed or as a percentage of parental income.

SECTION 2756p. 767.45 (1) (j) 1 of the statutes is renumbered 767.45 (1) (j).

SECTION 2756q. 767.45 (1) (j) 2 of the statutes is repealed.

SECTION 2756s. 767.45 (5m) of the statutes is renumbered 767.45 (5m) (a) (intro.) and amended to read:

767.45 (5m) (a) (intro.) Except as provided under s. 767.45 (2), unless a man is either presumed the child's father under s. 891.41 (1) or (2) or adjudicated the child's father either under s. 767.51 or by final order or judgment of a court of competent jurisdiction in another state, no No order or temporary order may be entered for child support, legal custody or physical placement until the man is adjudicated the father using the procedure set forth in ss. 767.45 to 767.60, unless any of the following applies: (b) The exclusive procedure for establishment of child support obligations, legal custody or physical placement rights for a man who is neither presumed the child's father under s. 891.41 (1) or (2) nor adjudicated the father is by an action under ss. 767.45 to 767.60. No person may waive the use of this procedure. If a presumption under s. 891.41 exists, a party denying paternity has the burden of rebutting the presumption.

SECTION 2756a. 767.45 (5m) (a) 1 to 3 of the statutes are created to read:

767.45 (5m) (a) 1. The man is presumed to be the child's father under s. 891.41 (1) or (2).

2. The man has been adjudicated the child's father under either s. 767.51 or by final order or judgment of a court of competent jurisdiction in another state.

3. The man has signed a statement acknowledging paternity under s. 69.15 (3) (b) 1 or 3 and the statement is on file and the court enters an order under s. 767.45 (3).

SECTION 2757. 767.45 (6) of the statutes is amended to read:

767.45 (6) (a) The county board shall designate either the district attorney or the corporation counsel to attorney responsible for support enforcement under s. 59.458 (1) shall provide the representation for the state as specified under s. 767.075 (1) in cases brought under this section.

(b) The county attorney authorized under par. (a) s. 59.458 (1) is the only county attorney who may provide representation when the state delegates its authority under sub. (1) (g).

(c) The county attorney under s. 59.458 (1) or any state attorney acting under par. (b) may not represent the state as specified under s. 767.075 (1) in an action under this section and at the same time act as guardian ad litem for the child or the alleged child of the party.

SECTION 2759h. 767.465 (2) (a) of the statutes is amended to read:

767.465 (2) (a) If a respondent is the alleged father and fails to appear at the first appearance, unless the first appearance is not required under s. 767.457 (2), scheduled blood test, pretrial hearing or trial, the court or family court commissioner shall enter an order adjudicating the respondent to be the father and appropriate orders for support, legal custody and

Vetoed
in Part

physical placement. The orders shall be either personally served on the respondent or mailed by registered or certified mail, with return receipt signed by to the last-known address of the respondent. The orders shall take effect 30 days after service or receipt the date on which the orders were mailed unless, within that time, the respondent presents to the court or court commissioner evidence of good cause for failure to appear or failure to have undergone a blood test.

Vetoed
in Part

~~SECTION 2759L. 767.465 (3) of the statutes is renumbered 767.465 (3) (a).~~

~~SECTION 2759m. 767.465 (3) (b) of the statutes is created to read:~~

~~767.465 (3) (b). A court may not grant a person's motion or petition to reopen a default judgment which adjudicates the paternity of a child under this section if a court has previously granted that person a motion or petition to reopen a default judgment which adjudicated the paternity of that child.~~

~~SECTION 2759n. 767.47 (1m) of the statutes is amended to read:~~

~~767.47 (1m) If the child was born in this state, the petitioner shall present a certified copy of the child's birth certificate or a printed copy of the record from the birth data base of the state registrar to the court, so that the court is aware of whether a name has been inserted on the birth certificate as the father of the child, at the earliest possible of the following:~~

~~SECTION 2759r. 767.51 (4) of the statutes is amended to read:~~

Vetoed
in Part

~~767.51 (4) (a) Support judgments or orders ordinarily shall be for periodic payments which may vary in amount if appropriate. The payment amount may shall be expressed as a percentage of the parent's income or as a fixed sum and the support judgment or order shall include a finding of the monthly amount that the percentage of income figure represents. The support judgment or order shall also include the provisions specified in s. 767.25 (1) (b). If a parent who has been ordered to pay child support has no income, the court shall still enter an order of child support expressed as a percentage of the parent's income. The court shall also include a finding of one of the following:~~

~~1. That due to the parent's present lack of income, the monthly amount that the percentage figure represents is \$0. The court shall also require the parent who has been ordered to pay child support to notify the child's other parent and the county child support program designed under s. 59.07 (97) immediately upon his or her receipt of any income. If the county child support program is notified of the availability of income, the finding in the order shall be adjusted to reflect the income.~~

~~2. That due to the earning capacity of the parent, based on the parent's education, training, and work experience and the availability of work in or near the parent's community, the monthly amount that the percentage figure represents is a fixed sum. The court~~

~~shall also require the parent who has been ordered to pay child support to notify the child's other parent and the county child support program designed under s. 59.07 (97) immediately upon his or her receipt of any income.~~ **Vetoed in Part**

~~(b) The father's liability for past support of the child shall be limited to support for the period after the birth of the child.~~

SECTION 2763. 767.52 (3) of the statutes is amended to read:

~~767.52 (3) Nothing contained in this~~ This section shall does not prevent a district attorney, corporation counsel ~~an attorney~~ responsible for support enforcement under s. 59.458 (1) or any other attorney employed under s. 46.25 or 59.07 (97) from appearing in any paternity action as provided under s. 767.45 (6).

SECTION 2764. 767.65 (2) (am) of the statutes is repealed.

SECTION 2765. 767.65 (6) (a) and (b) of the statutes are amended to read:

767.65 (6) (a) Before making the demand upon the governor of another state for the surrender of a person charged criminally in this state with failing to provide for the support of a person, the governor of this state may require any ~~district attorney~~ attorney responsible for support enforcement under s. 59.458 (1) of this state to satisfy him or her that at least 60 days prior thereto the obligee initiated proceedings for support under this section or that any proceeding would be of no avail.

(b) If, under a substantially similar law, the governor of another state makes a demand upon the governor of this state for the surrender of a person charged criminally in that state with failure to provide for the support of a person, the governor may require any ~~district attorney~~ attorney responsible for support enforcement under s. 59.458 (1) to investigate the demand and to report to ~~him~~ the governor whether proceedings for support have been initiated or would be effective. If it appears to the governor that a proceeding would be effective but has not been initiated, he or she may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

SECTION 2766. 767.65 (10) of the statutes is amended to read:

767.65 (10) JURISDICTION. Jurisdiction of any proceeding under this section is vested in the court defined in sub. (2) (a). The court may permit a family court commissioner to conduct hearings under this section.

SECTION 2767b. 767.65 (12) (title) of the statutes is amended to read:

767.65 (12) (title) OFFICIALS TO REPRESENT THE INTEREST OF OBLIGEE.

SECTION 2767c. 767.65 (12) of the statutes is renumbered 767.65 (12) (a) and amended to read:

767.65 (12) (a) If this state is acting as an initiating state, the ~~district attorney~~ attorney responsible for support enforcement under s. 59.458 (1), upon the request of the court or the person in charge of county welfare

- 641 -

activities, shall represent provide the services specified under s. 767.075 (1) to the obligee in any proceeding under this section. If the district attorney responsible for support enforcement under s. 59.458 (1) neglects or refuses to represent provide the services specified under s. 767.075 (1) to the obligee, the department of justice may undertake the representation provision of those services.

SECTION 2767d. 767.65 (12) (b) of the statutes is created to read:

767.65 (12) (b) Any district attorney or person in charge of county welfare activities that provides services under par. (a) shall be deemed to represent only the interest of the state. Any services provided by an attorney under par. (a) do not create an attorney-client relationship with any other party.

~~SECTION 2767m. 767.65 (15) of the statutes is amended to read:~~

Vetoed
in Part

~~767.65 (15) COURTS AND FEES. An initiating court shall not require payment of either a filing fee or other costs from the obligee but may request the responding court to collect only those fees and costs from the obligor which are incurred in the responding state. A responding court shall not require payment of a filing fee or other costs from the obligee but it may direct that all fees and costs incurred in this state when acting as a responding state, including fees for filing of pleadings, service of process, seizure of property, stenographic or duplication service or other service supplied to the obligor, be paid in whole or in part by the obligor, the county or the federally recognized elected tribal governing body. These costs or fees except for the receiving and disbursing fee authorized by s. 814.61 (12) (b) do not have priority over amounts due the obligee.~~

SECTION 2768. 767.65 (17) (c) of the statutes is amended to read:

767.65 (17) (c) After the deposit of 3 copies of the petition and certificate and one copy of the law of the initiating state with the clerk of the appropriate court, if the state information agency knows or believes that the district attorney responsible for support enforcement under s. 59.458 (1) is not prosecuting the case diligently, the department of justice may undertake the representation.

SECTION 2769. 767.65 (18) of the statutes is amended to read:

767.65 (18) DUTY OF THE COURT AND OFFICIALS OF THIS STATE AS RESPONDING STATE. (a) After the responding court receives copies of the petition, certificate and law from the initiating court, the clerk of the court shall docket the case and notify the district attorney responsible for support enforcement under s. 59.458 (1) of his or her action.

(b) The district attorney responsible for support enforcement under s. 59.458 (1) shall prosecute the case diligently. He or she shall take all action necessary in accordance with the laws of this state to enable

the court to obtain jurisdiction over the obligor or his or her property and shall request the court to set a time and place for a hearing and give notice thereof to the obligor in accordance with law.

(c) If the district attorney responsible for support enforcement under s. 59.458 (1) neglects or refuses to represent provide the services specified under s. 767.075 (1) to the obligee, the department of justice may undertake the representation provision of those services. Any person providing services under this paragraph shall be deemed to represent only the interest of the state. Any services provided by an attorney under this paragraph do not create an attorney-client relationship with any other party.

SECTION 2770. 767.65 (19) of the statutes is amended to read:

767.65 (19) FURTHER DUTIES OF COURT AND OFFICIALS IN THE RESPONDING STATE. (a) The district attorney responsible for support enforcement under s. 59.458 (1) on his own personal initiative shall use all available means at his disposal to locate the obligor or his or her property, and, if because of inaccuracies in the petition or otherwise the court cannot obtain jurisdiction, the district attorney responsible for support enforcement under s. 59.458 (1) shall inform the court of what he or she has done and request the court to continue the case pending receipt of more accurate information or an amended petition from the initiating court.

(b) If the obligor or his or her property is not found in the county, and the district attorney responsible for support enforcement under s. 59.458 (1) discovers that the obligor or his or her property may be found in another county of this state or in another state he, the attorney shall so inform the court. Thereupon the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other county or to a court in the other state or to the information agency or other proper official of the other state with a request that the documents be forwarded to the proper court. All powers and duties provided by this section apply to the recipient of the documents so forwarded. If the clerk of a court of this state forwards documents to another court, he or she shall forthwith notify the initiating court.

(c) If the district attorney responsible for support enforcement under s. 59.458 (1) has no information as to the location of the obligor or his or her property he, the attorney shall so inform the initiating court.

SECTION 2771. 767.65 (24) of the statutes is amended to read:

767.65 (24) ORDER OF SUPPORT. If the responding court finds a duty of support it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. Support orders made pursuant to this section shall require that payments be made to the clerk of the court of the responding state. The court and district attorney

responsible for support enforcement under s. 59.458 (1) of any county in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the county in which it was first issued. If enforcement is impossible or cannot be completed in the county in which the order was issued, the ~~district~~ attorney responsible for support enforcement under s. 59.458 (1) shall send a certified copy of the order to the district attorney responsible for support enforcement under s. 59.458 (1) of any county in which it appears that proceedings to enforce the order would be effective. The ~~district~~ attorney responsible for support enforcement under s. 59.458 (1) to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order. The enforcement may proceed as provided in subs. (37) to (40).

SECTION 2772. 767.65 (33) of the statutes is amended to read:

767.65 (33) INTRASTATE APPLICATION. This section applies if both the obligee and the obligor are in this state but one or both are in the jurisdiction of a federally recognized elected tribal governing body or the 2 are in different counties. If the court of the tribal jurisdiction or the circuit court for the county in which the petition is filed finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support and finds that a court of another tribal jurisdiction or the circuit court for another county in this state may obtain jurisdiction over the obligor or his or her property, the clerk of the court shall send the petition and a certification of the findings to the court of the tribal jurisdiction or the circuit court for the county in which the obligor or his or her property is found. The clerk of the court receiving these documents shall notify the ~~district~~ attorney responsible for support enforcement under s. 59.458 (1) or the tribal attorney of their receipt. The attorney and the court to which the copies are forwarded then shall have duties corresponding to those imposed upon them when acting for this state as a responding state.

SECTION 2773. 767.65 (38) of the statutes is amended to read:

767.65 (38) OFFICIAL TO REPRESENT OBLIGEE. (a) If this state is acting either as a rendering or a registering state, the ~~district~~ attorney responsible for support enforcement under s. 59.458 (1), upon the request of the court, shall represent the obligee in proceedings under sub. subs. (36) to (40).

(b) If the ~~district~~ attorney responsible for support enforcement under s. 59.458 (1) neglects or refuses to represent the obligee, the department of justice may undertake the representation.

SECTION 2774. 767.65 (39) (b) of the statutes is amended to read:

767.65 (39) (b) Promptly upon registration, the clerk of the court shall send by certified or registered

mail to the obligor at the address given a notice of the registration with a copy of the registered support order and the post-office address of the obligee. He The clerk shall also docket the case and notify the ~~district~~ attorney responsible for support enforcement under s. 59.458 (1) of his or her action. The ~~district~~ attorney responsible for support enforcement under s. 59.458 (1) shall proceed diligently to enforce the order.

~~SECTION 2774m. 778.02 of the statutes is amended to read:~~

~~778.02 Action in name of state; complaint; attachment. Every such forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to allege in the complaint that the defendant is indebted to the plaintiff in the amount of the forfeiture claimed, according to the provisions of the statute which imposes it, specifying the statute and for the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 (1). If the statute imposes a forfeiture for several offenses or delinquencies the complaint shall specify the particular offense or delinquency for which the action is brought, with a demand for judgment for the amount of the forfeiture, penalty assessment and jail and detention facility assessment. If the defendant is a nonresident of the state, an attachment may issue.~~

~~SECTION 2775. 778.02 of the statutes, as amended by 1989 Wisconsin Act ... (this act), is amended to read:~~

~~778.02 Action in name of state; complaint; attachment. Every such forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to allege in the complaint that the defendant is indebted to the plaintiff in the amount of the forfeiture claimed, according to the provisions of the statute which imposes it, specifying the statute and for the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 (1). If the statute imposes a forfeiture for several offenses or delinquencies the complaint shall specify the particular offense or delinquency for which the action is brought, with a demand for judgment for the amount of the forfeiture, penalty assessment and jail and detention facility assessment. If the defendant is a nonresident of the state, an attachment may issue.~~

~~SECTION 2775m. 778.03 of the statutes is amended to read:~~

~~778.03 Complaint to recover forfeited goods. In an action to recover property forfeited by any statute it shall be sufficient to allege in the complaint that the property has been forfeited, specifying the statute, with a demand of judgment for the delivery of the property, or the value thereof and for payment of the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 (1).~~

Vetoed
in Part

- 643 -

Vetoed
in Part

~~SECTION 2776. 778.03 of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:~~

~~778.03. Complaint to recover forfeited goods. In an action to recover property forfeited by any statute it shall be sufficient to allege in the complaint that the property has been forfeited, specifying the statute, with a demand of judgment for the delivery of the property, or the value thereof and for payment of the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 302.46 (1).~~

~~SECTION 2776m. 778.06 of the statutes is amended to read:~~

~~778.06. Action for what sum. When a forfeiture is imposed, not exceeding a specific sum or when it is not less than one sum or more than another, the action may be brought for the highest sum specified and for the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 (1); and judgment may be rendered for such sum as the court or jury shall assess or determine to be proportionate to the offense.~~

~~SECTION 2777. 778.06 of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:~~

~~778.06. Action for what sum. When a forfeiture is imposed, not exceeding a specific sum or when it is not less than one sum or more than another, the action may be brought for the highest sum specified and for the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 302.46 (1); and judgment may be rendered for such sum as the court or jury shall assess or determine to be proportionate to the offense.~~

~~SECTION 2777m. 778.10 of the statutes is amended to read:~~

~~778.10. Municipal forfeitures, how recovered. All forfeitures imposed by any ordinance or regulation of any county, town, city or village, or of any other domestic corporation may be sued for and recovered, pursuant to this chapter, in the name of the county, town, city, village or corporation. It is sufficient to allege in the complaint that the defendant is indebted to the plaintiff in the amount of the forfeiture claimed, specifying the ordinance or regulation which that imposes it and of the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 (1). If the ordinance or regulation imposes a penalty or forfeiture for several offenses or delinquencies the complaint shall specify the particular offenses or delinquency for which the action is brought, with a demand for judgment for the amount of the forfeiture, the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 (1). All moneys collected on the judgment shall be paid to the treasurer of the county, town, city, village or corporation, except that all jail~~

~~and detention facility assessments shall be paid to the county treasurer.~~

~~SECTION 2778. 778.10 of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:~~

~~778.10. Municipal forfeitures, how recovered. All forfeitures imposed by any ordinance or regulation of any county, town, city or village, or of any other domestic corporation may be sued for and recovered, pursuant to under this chapter, in the name of the county, town, city, village or corporation. It is sufficient to allege in the complaint that the defendant is indebted to the plaintiff in the amount of the forfeiture claimed, specifying the ordinance or regulation that imposes it and of the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 302.46 (1). If the ordinance or regulation imposes a penalty or forfeiture for several offenses or delinquencies the complaint shall specify the particular offenses or delinquency for which the action is brought, with a demand for judgment for the amount of the forfeiture, the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 302.46 (1). All moneys collected on the judgment shall be paid to the treasurer of the county, town, city, village or corporation, except that all jail and detention facility assessments shall be paid to the county treasurer.~~

~~SECTION 2778m. 778.105 of the statutes is amended to read:~~

~~778.105. Disposition of forfeitures. Revenues from forfeitures imposed by any court or any branch thereof for the violation of any municipal or county ordinance shall be paid to the municipality or county. Penalty assessment payments shall be made as provided in s. 165.87. Jail and detention facility assessment payments shall be made as provided in s. 53.46 (1).~~

~~SECTION 2779. 778.105 of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:~~

~~778.105. Disposition of forfeitures. Revenues from forfeitures imposed by any court or any branch thereof for the violation of any municipal or county ordinance shall be paid to the municipality or county. Penalty assessment payments shall be made as provided in s. 165.87. Jail and detention facility assessment payments shall be made as provided in s. 53.46 302.46 (1).~~

~~SECTION 2779m. 778.13 of the statutes is amended to read:~~

~~778.13. Forfeitures collected, to whom paid. All moneys collected in favor of the state for forfeiture, except the portion to be paid to any person who sues with the state, shall be paid by the officer who collects the forfeiture to the treasurer of the county within which the forfeiture was incurred within 20 days after its receipt. In case of any failure in the payment the~~

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county treasurer may collect the payment of the officer by action, in the name of the office and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid. Penalty assessment payments shall be made as provided in s. 165.87. Jail and detention facility assessment payments shall be made as provided in s. 53.46 (1).

SECTION 2780. 778.13 of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

778.13 Forfeitures collected, to whom paid. All moneys collected in favor of the state for forfeiture, except the portion to be paid to any person who sues with the state, shall be paid by the officer who collects the forfeiture to the treasurer of the county within which the forfeiture was incurred within 20 days after its receipt. In case of any failure in the payment the county treasurer may collect the payment of the officer by action, in the name of the office and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid. Penalty assessment payments shall be made as provided in s. 165.87. Jail and detention facility assessment payments shall be made as provided in s. 53.46 302.46 (1).

SECTION 2780m. 778.18 of the statutes is amended to read:

778.18 Penalty upon municipal judge. If any municipal judge, of his or her own will, dismisses any action brought before the judge under this chapter, unless by order of the district attorney or attorney general or the person joined as plaintiff with the state, or renders a less judgment therein than is prescribed by law, or releases or discharges any such judgment or part thereof without payment or collection, the judge and the judge's sureties shall be liable, in an action upon the judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture imposed by the judge and for the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 (1), or for an amount equal to the amount in which any such judgment or any part thereof is released or discharged. If any municipal judge gives time or delay to any person against whom any such judgment is rendered by the judge, or takes any bond or security for its future payment, the judge and the judge's sureties shall also be liable for the payment of the judgment upon the judge's bond.

SECTION 2781. 778.18 of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

778.18 Penalty upon municipal judge. If any municipal judge, of his or her own will, dismisses any action brought before the judge under this chapter, unless by order of the district attorney or attorney general or the person joined as plaintiff with the state, or renders a less judgment therein than is prescribed by law, or releases or discharges any such judgment or part

thereof without payment or collection, the judge and the judge's sureties shall be liable, in an action upon the judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture imposed by the judge and for the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 302.46 (1), or for an amount equal to the amount in which any such judgment or any part thereof is released or discharged. If any municipal judge gives time or delay to any person against whom any such judgment is rendered by the judge, or takes any bond or security for its future payment, the judge and the judge's sureties shall also be liable for the payment of the judgment upon the judge's bond.

SECTION 2782. 778.25 (1) (a) 1 of the statutes is amended to read:

778.25 (1) (a) 1. Under s. 125.07 (4) (a) or (b), 125.08 125.085 (3) (b) or 125.09 (2) or under a local ordinance strictly conforming to one of those statutes brought against an adult in circuit court or against a minor in the court assigned to exercise jurisdiction under ch. 48.

SECTION 2782c. 778.25 (2) (e) of the statutes, as affected by 1987 Wisconsin Act 336, is repealed and recreated to read:

778.25 (2) (e). The maximum forfeiture, penalty assessment and jail and detention facility assessment for which the defendant might be found liable and other penalties that may be imposed including, for a violation of a statute or ordinance specified under sub. (1) (a) 1, suspension or revocation under s. 343.30 (6).

SECTION 2782d. 778.25 (2) (g) of the statutes is amended to read:

778.25 (2) (g). Notice that if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the failure to appear will be considered tender of a plea of no contest and submission to a forfeiture, penalty assessment and jail and detention facility assessment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant or, if the defendant is an adult, issue an arrest warrant for the defendant rather than accept the deposit and plea.

SECTION 2782e. 778.25 (2) (h) of the statutes is amended to read:

778.25 (2) (h). Notice that if the defendant makes a deposit and signs the stipulation, the stipulation is treated as a plea of no contest and submission to a forfeiture, penalty assessment and jail and detention facility assessment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant or, if the defendant is an adult, issue an arrest warrant for the defendant rather than accept the deposit and stipulation, and that the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation.

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Vetoed
in Part

~~SECTION 2782f. 778.25 (3) of the statutes is amended to read:~~

~~778.25 (3) If a person is issued a citation under this section the person may deposit the amount of money the issuing officer directs by mailing or delivering the deposit and a copy of the citation to the clerk of court of the county where the violation occurred or the sheriff's office or police headquarters of the officer who issued the citation prior to the court appearance date. The basic amount of the deposit shall be determined under a deposit schedule established by the judicial conference. The judicial conference shall annually review and revise the schedule. In addition to the basic amount determined by the schedule the deposit shall include costs, including any applicable fees prescribed in ch. 814, penalty assessment and jail and detention facility assessment.~~

~~SECTION 2782g. 778.25 (4) of the statutes is amended to read:~~

~~778.25 (4) A person may make a stipulation of no contest by submitting a deposit and a stipulation in the manner provided by sub. (3) prior to the court appearance date. The signed stipulation is a plea of no contest and submission to a forfeiture plus costs and a penalty assessment and jail and detention facility assessment not exceeding the amount of the deposit.~~

~~SECTION 2782h. 778.25 (5) of the statutes is amended to read:~~

~~778.25 (5) Except as provided by sub. (6) a person receiving a deposit shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court regarding the disposition of the deposit, and notifying the defendant that if he or she fails to appear in court at the time fixed in the citation he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment and jail and detention facility assessment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit which the court may accept. The original of the receipt shall be delivered to the defendant in person or by mail. If the defendant pays by check, the check is the receipt.~~

~~SECTION 2782i. 778.25 (6) of the statutes is amended to read:~~

~~778.25 (6) The person receiving a deposit and stipulation of no contest shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court regarding the disposition of the deposit, and notifying the defendant that if the stipulation of no contest is accepted by the court the defendant will be considered to have submitted to a forfeiture, penalty assessment and jail and detention facility assessment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit. Delivery of the receipt shall be made in the same manner as in sub. (5).~~

~~SECTION 2782j. 778.25 (8) (a) of the statutes is amended to read:~~

~~778.25 (8) (b) If the defendant has made a deposit, the citation may serve as the initial pleading and the defendant shall be considered to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment and jail and detention facility assessment plus costs, including any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons or arrest warrant, except if the defendant is a minor the court shall proceed under s. 48.28. Chapter 48 governs taking and holding a minor in custody. If the court accepts the plea of no contest, the defendant may move within 90 days after the date set for appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If a party is relieved from the plea of no contest, the court or judge may order a written complaint or petition to be filed. If on reopening the defendant is found not guilty, the court shall delete the record of conviction and shall order the defendant's deposit returned.~~

~~SECTION 2782k. 778.25 (8) (c) of the statutes is amended to read:~~

~~778.25 (8) (c) If the defendant has made a deposit and stipulation of no contest, the citation serves as the initial pleading and the defendant shall be considered to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment and jail and detention facility assessment plus costs, including any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons or arrest warrant, except if the defendant is a minor the court shall proceed under s. 48.28. Chapter 48 governs taking and holding a minor in custody. After signing a stipulation of no contest, the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation. The court may act on the motion, with or without notice, for cause shown by affidavit and upon just terms, and relieve the defendant from the stipulation and the effects of the stipulation.~~

~~SECTION 2782L. 778.25 (10) of the statutes is amended to read:~~

~~778.25 (10) An officer collecting moneys for a forfeiture, penalty assessment, jail and detention facility assessment and costs under this section shall pay the same to the appropriate municipal or county treasurer within 20 days after its receipt by the officer, except that all jail and detention facility assessments shall be paid to the county treasurer. If the officer fails to make timely payment, the municipal or county treasurer may collect the payment from the officer by an~~

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Vetoed in Part action in the treasurer's name of office and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid.

SECTION 2782Lc. 778.26 (2) (e) of the statutes is amended to read:

778.26 (2) (e). The maximum forfeiture, penalty assessment and jail and detention facility assessment for which the defendant is liable.

SECTION 2782Ld. 778.26 (2) (g) of the statutes is amended to read:

778.26 (2) (g). Notice that if the defendant makes a deposit and fails to appear in court at the time specified in the citation, the failure to appear will be considered tender of a plea of no contest and submission to a forfeiture, penalty assessment and jail and detention facility assessment plus costs not to exceed the amount of the deposit. The notice shall also state that the court, instead of accepting the deposit and plea, may decide to summon the defendant or may issue an arrest warrant for the defendant upon failure to respond to a summons.

SECTION 2782Le. 778.26 (2) (h) of the statutes is amended to read:

778.26 (2) (h). Notice that if the defendant makes a deposit and signs the stipulation, the stipulation will be treated as a plea of no contest and submission to a forfeiture, penalty assessment and jail and detention facility assessment plus costs not to exceed the amount of the deposit. The notice shall also state that the court, instead of accepting the deposit and stipulation, may decide to summon the defendant or issue an arrest warrant for the defendant upon failure to respond to a summons, and that the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation.

SECTION 2782Lf. 778.26 (3) of the statutes is amended to read:

778.26 (3). A defendant issued a citation under this section may deposit the amount of money the issuing officer directs by mailing or delivering the deposit and a copy of the citation prior to the court appearance date to the clerk of the circuit court in the county where the violation occurred or to the sheriff's office or police headquarters of the officer who issued the citation. The basic amount of the deposit shall be determined under a deposit schedule established by the judicial conference. The judicial conference shall annually review and revise the schedule. In addition to the basic amount determined by the schedule the deposit shall include the penalty assessment, jail and detention facility assessment and costs.

SECTION 2782Lg. 778.26 (4) of the statutes is amended to read:

778.26 (4). A defendant may make a stipulation of no contest by submitting a deposit and a stipulation in the manner provided by sub. (3) prior to the court appearance date. The signed stipulation is a plea of no

Vetoed in Part contest and submission to a forfeiture plus the penalty assessment, jail and detention facility assessment and costs not to exceed the amount of the deposit.

SECTION 2782Lh. 778.26 (5) of the statutes is amended to read:

778.26 (5). Except as provided by sub. (6), a person receiving a deposit shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of the circuit court regarding the disposition of the deposit, and notifying the defendant that if he or she fails to appear in court at the time specified in the citation he or she shall be considered to have rendered a plea of no contest and submitted to a forfeiture, penalty assessment and jail and detention facility assessment plus costs not to exceed the amount of the deposit and that the court may accept the plea. The original of the receipt shall be delivered to the defendant in person or by mail. If the defendant pays by check, the canceled check is the receipt.

SECTION 2782Li. 778.26 (6) of the statutes is amended to read:

778.26 (6). The person receiving a deposit and stipulation of no contest shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of the circuit court regarding the disposition of the deposit, and notifying the defendant that if the stipulation of no contest is accepted by the court the defendant will be considered to have submitted to a forfeiture, penalty assessment and jail and detention facility assessment plus costs not to exceed the amount of the deposit. Delivery of the receipt shall be made in the same manner as provided in sub. (5).

SECTION 2782Lj. 778.26 (7) (b) of the statutes is amended to read:

778.26 (7) (b). If the defendant has made a deposit, the citation may serve as the initial pleading and the defendant shall be considered to have rendered a plea of no contest and submitted to a forfeiture, penalty assessment and jail and detention facility assessment plus costs not to exceed the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons. If the defendant fails to appear in response to the summons, the court shall issue an arrest warrant. If the court accepts the plea of no contest, the defendant may, within 90 days after the date set for appearance, move to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If a defendant is relieved from the plea of no contest, the court may order a written complaint or petition to be filed. If on reopening the defendant is found not guilty, the court shall delete the record of conviction and shall order the defendant's deposit returned.

SECTION 2782LK. 778.26 (7) (c) of the statutes is amended to read:

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778.26 (7) (c). If the defendant has made a deposit and stipulation of no contest, the citation serves as the initial pleading and the defendant shall be considered to have rendered a plea of no contest and submitted to a forfeiture, penalty assessment and jail and detention facility assessment plus costs not to exceed the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons or an arrest warrant. After signing a stipulation of no contest, the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation. The court may act on the motion, with or without notice, for cause shown by affidavit and upon just terms, and relieve the defendant from the stipulation and the effects of the stipulation.

SECTION 2782LL. 778.26 (9) of the statutes is amended to read:

778.26 (9). An officer who collects a forfeiture, penalty assessment, jail and detention facility assessment and costs under this section shall pay the money to the county treasurer within 20 days after its receipt. If the officer fails to make timely payment, the county treasurer may collect the payment from the officer by an action in the treasurer's name of office and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid.

SECTION 2782m. 779.14 (1m) (b) 1 of the statutes is amended to read:

779.14 (1m) (b) 1. A contract shall not be made unless the prime contractor gives a bond issued by a surety company licensed to do business in this state. The department of natural resources, may, for contracts under s. 23.41, and the department of administration may, for other state contracts, waive the requirement that contractors furnish bonds when adequate guarantees or warranties are provided for by contract.

SECTION 2782p. 779.70 (2) (a) of the statutes is amended to read:

779.70 (2) (a). Upon the adoption and approval of the annual budget by a majority of the members entitled to vote as established by the articles of incorporation and bylaws of the corporation and by rules validly adopted by resolution of the governing board of the corporation, at a regular meeting or adjournment thereof, or upon the approval of a special assessment under par. (e), the governing board of the corporation may levy an assessment not in excess of 8 mills on each dollar of assessed valuation, to be known as a maintenance assessment, against all of the lots, the ownership of which entitles the owner thereof to the use and enjoyment of the properties controlled by the corporation, but the limitation of 8 mills on

each dollar of assessed valuation shall not apply in any case in which the property owners or their predecessors in title have, by written contract, or by the terms of their deeds of conveyance, assumed and agreed to pay the costs of maintaining those properties in which the owners have common rights of usage and enjoyment.

SECTION 2782q. 779.70 (2) (b) of the statutes is amended to read:

779.70 (2) (b). The assessment levied under this section shall be either equal in amount against each parcel of contiguous lots under common ownership and with one dwelling house in a parcel, with the assessment prorated among the lots in the parcel, or equal in rate against the assessed value of each lot or equal in amount against each lot, at the option of the governing board as it directs each year, except as provided in pars. (c) and (d), and shall be levied at the same time once in each year upon all lots. Assessed value shall include the value of the land comprising the lot and the improvements thereon.

SECTION 2782s. 779.70 (2) (e) of the statutes is created to read:

779.70 (2) (e). The governing board of a corporation may call a special meeting upon at least 5 days' written notice for the purpose of making a special assessment. The nature of the proposed special assessment shall be included in the notice. A majority of members entitled to vote shall constitute a quorum for a special meeting, and a majority of members entitled to vote who are present at the special meeting shall determine a question.

SECTION 2783. 782.45 (2) of the statutes is amended to read:

782.45 (2). In lieu of the procedure under sub. (1) the department of health and social services and the department of corrections, upon 48 hours' advance notice, shall release to any sheriff having a suitable jail approved by the department of corrections for such this purpose any prisoner upon presentation of a writ of habeas corpus to the warden or superintendent of the institution which is detaining the inmate. The sheriff shall be informed in advance where the sheriff may assume custody of the inmate and the sheriff then shall be in charge of the inmate and be responsible for the inmate's custody. During the time that an inmate is absent from the state institution and in the custody of the sheriff the inmate shall be entitled to credit for time served on the existing sentence and such credit under s. 53.44 302.11 that he or she was eligible to receive while an inmate of the state institution. The sheriff shall be responsible for segregating the inmate in the jail from other prisoners and the county shall be liable for all expenses attendant to his or her detention including medical care. The inmate while in the custody of the sheriff shall not be permitted to have visitors or to receive mail except as authorized and approved by the warden or superintendent of the state

institution which formerly detained the inmate but shall be entitled to confer with counsel during reasonable hours without restriction. After the court has determined that the inmate is no longer needed or required, the sheriff shall promptly return the inmate to the institution to which detained prior to the release to the sheriff for appearance in court.

SECTION 2784. 799.01 (intro.) of the statutes is renumbered 799.01 (1) (intro.) and amended to read:

799.01 (1) (title) EXCLUSIVE USE OF SMALL CLAIMS PROCEDURE. (intro.) Except as provided in ss. 799.02 (1) and 799.21 (4) and except as provided under sub. (3m) (2), the procedure in this chapter is the exclusive procedure to be used in circuit court in the following actions:

SECTION 2785. 799.01 (1) and (2) of the statutes are renumbered 799.01 (1) (a) and (b).

SECTION 2786. 799.01 (2) of the statutes is created to read:

799.01 (2) PERMISSIVE USE OF SMALL CLAIMS PROCEDURE. A taxing authority may use the procedure in this chapter in an action to recover a tax from a person liable for that tax where the amount claimed, including interest and penalties, is \$2,000 or less. This chapter is not the exclusive procedure for those actions.

SECTION 2787. 799.01 (3) of the statutes is renumbered 799.01 (1) (c).

SECTION 2788. 799.01 (3m) of the statutes is repealed.

SECTION 2789. 799.01 (4) (intro.) of the statutes is renumbered 799.01 (1) (d) (intro.).

SECTION 2790. 799.01 (4) (a) to (c) of the statutes are renumbered 799.01 (1) (d) 1 to 3, and 799.01 (1) (d) 3, as renumbered, is amended to read:

799.01 (1) (d) 3. To enforce a lien upon personalty; or.

SECTION 2791. 799.01 (4) (d) of the statutes is repealed.

SECTION 2791g. 800.02 (2) (a) 8 of the statutes is amended to read:

Vetoed in Part 800.02 (2) (a) 8. Notice that if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant is deemed to have rendered a plea of no contest and submits to a forfeiture, penalty assessment and jail and detention facility assessment plus costs, including the fee prescribed in s. 814.65 (1), not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.

SECTION 2791m. 800.02 (3) (a) 5 of the statutes is amended to read:

800.02 (3) (a) 5. A plain and concise statement of the violation identifying the event or occurrence from which the violation arose and showing that the plaintiff is entitled to relief, the ordinance, resolution or bylaw upon which the cause of action is based and a demand for a forfeiture, the amount of which shall not

exceed the maximum set by the statute involved, the penalty assessment, the jail and detention facility assessment and such other relief that is sought by the plaintiff.

SECTION 2791p. 800.03 (3) of the statutes is amended to read:

800.03 (3) The amount of the deposit shall be set by the municipal judge, but shall not be effective until approved by the governing body of the municipality. The amount shall not exceed the maximum penalty for the offense, including any penalty assessment which that would be applicable under s. 165.87 and any jail and detention facility assessment which that would be applicable under s. 53.46 (1), plus court costs, including the fee prescribed in s. 814.65 (1).

SECTION 2792. 800.03 (3) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

800.03 (3) The amount of the deposit shall be set by the municipal judge, but shall not be effective until approved by the governing body of the municipality. The amount shall not exceed the maximum penalty for the offense, including any penalty assessment that would be applicable under s. 165.87 and any jail and detention facility assessment that would be applicable under s. 53.46 (1), plus court costs, including the fee prescribed in s. 814.65 (1).

SECTION 2792m. 800.04 (2) (b) of the statutes is amended to read:

800.04 (2) (b) If the municipal judge determines that the defendant should not be released under par. (a) and the defendant is charged with a traffic or boating violation, the municipal judge shall release the defendant on a deposit in the amount established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66. For other violations, the municipal judge shall establish a deposit in an amount not to exceed the maximum penalty for the offense, including any penalty assessment which that would be applicable under s. 165.87 and any jail and detention facility assessment which that would be applicable under s. 53.46 (1). On failure of the defendant to make a deposit under this paragraph, he or she may be committed to jail pending trial only if the judge finds that there is a reasonable basis to believe the person will not appear in court.

SECTION 2793. 800.04 (2) (b) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

800.04 (2) (b) If the municipal judge determines that the defendant should not be released under par. (a) and the defendant is charged with a traffic or boating violation, the municipal judge shall release the defendant on a deposit in the amount established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66. For other violations, the municipal judge shall establish a deposit in an amount not to exceed the maximum penalty for the offense, including any penalty assessment that would be applicable

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under s. 165.87 and any jail and detention facility assessment that would be applicable under s. 53.46 302.46 (1). On failure of the defendant to make a deposit under this paragraph, he or she may be committed to jail pending trial only if the judge finds that there is a reasonable basis to believe the person will not appear in court.

SECTION 2793m. 800.04 (2) (c) of the statutes is amended to read:

800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03 and does not appear, he or she is deemed to have tendered a plea of no contest and submits to a forfeiture, a penalty assessment imposed by s. 165.87 and a jail and detention facility assessment imposed by s. 53.46 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons. If the defendant fails to appear in response to the summons, the court shall issue a warrant under s. 968.09. If the defendant has made a deposit but does appear, the court shall allow the defendant to withdraw the plea of no contest.

SECTION 2794. 800.04 (2) (c) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03 and does not appear, he or she is deemed to have tendered a plea of no contest and submits to a forfeiture, a penalty assessment imposed by s. 165.87 and a jail and detention facility assessment imposed by s. 53.46 302.46 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons. If the defendant fails to appear in response to the summons, the court shall issue a warrant under s. 968.09. If the defendant has made a deposit but does appear, the court shall allow the defendant to withdraw the plea of no contest.

SECTION 2794m. 800.09 (1) (intro.) of the statutes is amended to read:

800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it may render judgment by ordering payment of a forfeiture, the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). If the judgment is not paid, the court may proceed under par. (a), (b) or (c) or any combination thereof, as follows:

SECTION 2795. 800.09 (1) (intro.) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

800.09 (1) (intro.) JUDGMENT. If a municipal court finds a defendant guilty it may render judgment by

ordering payment of a forfeiture, the penalty assessment imposed by s. 165.87 and the jail and detention facility assessment imposed by s. 53.46 302.46 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). If the judgment is not paid, the court may proceed under par. (a), (b) or (c) or any combination thereof, as follows:

SECTION 2795d. 800.09 (1) (a) of the statutes is amended to read:

800.09 (1) (a) The court may defer payment of any judgment or provide for installment payments. At the time the judgment is rendered, the court shall inform the defendant, orally and in writing, of the date by which payment of the forfeiture, penalty assessment, jail and detention facility assessment and costs must be made, and of the possible consequences of failure to make the payment in timely fashion, including imprisonment, as provided in s. 800.095, or suspension of the defendant's motor vehicle operating privilege, as provided in par. (c), if applicable. A municipal court may order the payment of restitution under s. 755.045 (3). If the defendant is not present, the court shall ensure that the information is sent to the defendant by mail. In 1st class cities, all of the written information required by this paragraph shall be printed in English and Spanish and provided to each defendant.

SECTION 2795h. 800.09 (2) (b) of the statutes is amended to read:

800.09 (2) (b) If the person charged fails to appear personally or by an attorney at the time fixed for hearing of the case, the defendant may be deemed to have entered a plea of no contest and the money deposited, if any, or such portion thereof as the court determines to be an adequate penalty, plus the penalty assessment, jail and detention facility assessment and costs, including the fee prescribed in s. 814.65 (1), may be declared forfeited by the court or may be ordered applied upon the payment of any penalty which may be imposed, together with the penalty assessment, jail and detention facility assessment and costs. In either event, any remaining money shall be refunded to the person who made the deposit.

SECTION 2796. 800.095 (6) of the statutes is amended to read:

800.095 (6) PLACE OF IMPRISONMENT. If the court orders imprisonment under sub. (4) (b) 1, the defendant shall be committed to a jail or a house of correction in the county in which the cause of action arose or, if the defendant has been committed to the Wisconsin state prisons, to the prison in which the defendant is an inmate. Except in cases where the defendant has been committed to the Wisconsin state prisons, the municipality shall pay the expense incurred by the county to imprison the defendant. The defendant is eligible for privileges under s. 56.08 303.08.

SECTION 2796g. 800.10 (2) of the statutes is amended to read:

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in Part

Vetoed
in Part

~~800.10 (2) All forfeitures, fees, penalty assessments and costs paid to a municipal court under a judgment before a municipal judge shall be paid to the municipal treasurer within 7 days after receipt of the money by a municipal judge or other court personnel. At the time of this payment, the municipal judge shall report to the municipal treasurer the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessments and costs, if any. The treasurer shall disburse the fees as provided in s. 814.65 (1). All jail and detention facility assessments paid to a municipal court under a judgment before a municipal judge shall be paid to the county treasurer within 7 days after receipt of the money by a municipal judge or other court personnel.~~

~~SECTION 2796r. 800.12 (2) of the statutes is amended to read:~~

~~800.12 (2) A municipality may by ordinance provide that a municipal judge may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50 or, upon nonpayment of the forfeiture, penalty assessment under s. 165.87 and jail and detention facility assessment under s. 53.46, a jail sentence not to exceed 7 days.~~

~~SECTION 2797. 800.12 (2) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:~~

~~800.12 (2) A municipality may by ordinance provide that a municipal judge may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50 or, upon nonpayment of the forfeiture, penalty assessment under s. 165.87 and jail and detention facility assessment under s. 53.46 ~~302.46~~, a jail sentence not to exceed 7 days.~~

~~SECTION 2798. 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 or any estate of such a 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) or (3)~~ 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 2798m. 807.10 (3) of the statutes is amended to read:~~

~~807.10 (3) If the amount awarded to a minor by judgment or by an order of the court approving a compromise settlement of a claim or cause of action of the minor does not exceed \$5,000 (exclusive of interest and costs and disbursements), and if there is no general guardian of the ward, the court may upon application by the guardian ad litem after judgment, or in the order approving settlement, fix and allow the expenses of the action, including attorney fees and fees of guardian ad litem, authorize the payment of the total recovery to the clerk of the court, authorize and direct the guardian ad litem upon the payment to satisfy and discharge the judgment, or to execute releases to the parties entitled thereto and enter into a stipulation dismissing the action upon its merits. The order shall also direct the clerk upon the payment to pay the costs and disbursements and expenses of the action and to dispose of the balance in one of the manners provided in s. 880.04 (2) as selected by the court. The fee for the clerk's services for handling, depositing and disbursing funds under this subsection is prescribed in s. 814.61 (12) (a).~~

~~SECTION 2799. 809.80 (2) (b) of the statutes is amended to read:~~

~~809.80 (2) (b) Any paper required or authorized to be served on the state in appeals and other proceedings in felony cases in the court of appeals or supreme court shall be served on the attorney general unless the district attorney has been authorized under s. 59.47 (7) 978.05 (5) to represent the state. Any paper required or authorized to be served on the state in appeals and other proceedings in misdemeanor cases decided by a single court of appeals judge under s. 752.31 (2) and (3) shall be served on the district attorney. Every petition for review by the supreme court of a decision of the court of appeals in a misdemeanor case shall be served on the attorney general.~~

~~SECTION 2800. 812.23 (2) (c) of the statutes is amended to read:~~

~~812.23 (2) (c) A garnishee ~~shall be~~ is entitled to \$3 ~~\$10~~ as a garnishee fee, and ~~shall need not be required to answer unless the fee is first paid.~~ The fee ~~shall become a becomes~~ part of the funds of the state if the department of administration is the garnishee, funds of the county if the county clerk is the garnishee, funds of the municipality if the municipal clerk is the garnishee, funds of the school district if the school district is the garnishee, or funds of the appropriate subdivision of government where any other government entity is the garnishee. The fee ~~judgment creditor shall be made payable~~ pay the fee to the treasurer of the state, county, municipality, school district or other subdivision of government, as applicable.~~

~~SECTION 2801. 814.25 of the statutes is repealed.~~

~~SECTION 2801g. 814.29 (1) of the statutes is amended to read:~~

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814.29 (1) Any person may commence, prosecute or defend any action or proceeding in any court, or any writ of error or appeal therein, without being required to give security for cost or to pay any service or fee, upon filing in the court, and receiving approval of the affidavit by the court, his or her affidavit that because of his or her poverty the person is unable to pay the costs of the action or proceeding, or any writ of error or appeal therein, or to give security for the same, and that the person believes that he or she is entitled to the redress that he or she seeks in the action or proceeding, or writ of error or appeal, and setting forth briefly the nature of the cause or appeal, or defense. ~~If the person subsequently recovers costs, the recovered amount shall first be applied to pay any service and filing fees which were waived under this subsection. This section does not prevent the affiant from recovering any service or fees waived under this section. If the person subsequently recovers these costs, the recovered amount shall be used to pay any costs waived under this section.~~

SECTION 2801j. 814.29 (3) of the statutes is created to read:

814.29 (3) RECOVERY OF FEES. (a) A request for leave to commence or defend an action, proceeding, writ of error or appeal without being required to pay fees or costs or to give security for costs constitutes consent of the affiant and counsel for the affiant that if the judgment is in favor of the affiant the court may order the opposing party to first pay the amount of unpaid fees and costs, including attorney fees under ss. 802.05, 804.12 (1) (c) and 814.025 and under 42 USC 1988 and to pay the balance to the plaintiff.

(b) If the affiant is a prisoner, as defined in s. 46.011 (2), or a person confined in a federal correctional institution located in this state, a request for leave to commence or defend an action, proceeding, writ of error or appeal without being required to pay fees or costs or to give security for costs constitutes consent as provided in par. (a), and, if the judgment is in favor of the opposing party, constitutes consent for the court to order the institution to deduct the unpaid fees and costs, including attorney fees listed in par. (a), from the amount in the inmate's account at the time the judgment was rendered.

~~SECTION 2801m. 814.60 (2) (ag) of the statutes is amended to read:~~

~~814.60 (2) (ag) Jail and detention facility assessment imposed by s. 53.46 (1).~~

~~SECTION 2802. 814.60 (2) (ag) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:~~

~~814.60 (2) (ag) Jail and detention facility assessment imposed by s. 53.46 302.46 (1).~~

SECTION 2802b. 814.61 (1) (a) of the statutes is renumbered 814.61 (1) (a) 1 and amended to read:

814.61 (1) (a) 1. At Except as provided under subd. 2, at the commencement of all civil actions and special

proceedings not specified in ss. 814.62 to 814.66, \$60. Of the fees received by the clerk under this ~~paragraph subdivision~~, the county treasurer shall pay 50% to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county.

SECTION 2802d. 814.61 (1) (a) 2 of the statutes is created to read:

814.61 (1) (a) 2. Beginning with fees imposed on the effective date of this subdivision [revisor inserts date], and ending with fees imposed on June 30, 1993, at the commencement of all civil actions and special proceedings not specified in ss. 814.62 to 814.66, \$75. Of the fees received by the clerk under this subdivision, the county treasurer shall pay \$45 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county. The state treasurer shall credit \$15 of the \$45 to the appropriation under s. 20.680 (2) (j).

SECTION 2802f. 814.61 (3) of the statutes is renumbered 814.61 (3) (a) and amended to read:

814.61 (3) (a) When Except as provided under par. (b), when any defendant files a 3rd-party complaint, the defendant shall pay a fee of \$40. The defendant shall pay only one such \$40 fee in an action. Of the fees received by the clerk under this ~~subsection paragraph~~, the county treasurer shall pay 50% to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county.

SECTION 2802h. 814.61 (3) (b) of the statutes is created to read:

814.61 (3) (b) Beginning with the fees imposed on the effective date of this paragraph [revisor inserts date], and ending with fees imposed on June 30, 1993, when any defendant files a 3rd-party complaint, the defendant shall pay a fee of \$45. The defendant shall pay only one such \$45 fee in an action. Of the fees received by the clerk under this paragraph, the county treasurer shall pay \$25 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county. The state treasurer shall credit \$5 of the \$25 to the appropriation under s. 20.680 (2) (j).

SECTION 2803. 814.61 (5) (c) of the statutes is amended to read:

814.61 (5) (c) Any act of the clerk relating to withdrawal, satisfaction or voidance of a tax warrant under s. ~~71.13 (3) (fm)~~ 71.91 (5) (g).

SECTION 2803b. 814.61 (8) (a) (intro.) of the statutes is amended to read:

814.61 (8) (a) (intro.) On Except as provided under par. (am), on appeal from municipal court or on review of any administrative decision, including an appeal from a commission's award in a condemnation action under ch. 32:

SECTION 2803d. 814.61 (8) (am) of the statutes is created to read:

814.61 (8) (am) Beginning with the fees imposed on the effective date of this paragraph [revisor inserts

Vetoed
in Part

date], and ending on June 30, 1993, on appeal from municipal court or on review of any administrative decision, including an appeal from a commission's award in a condemnation action under ch. 32:

1. If the appeal or review is by certiorari or on the record, \$40.

2. If a new trial is authorized and requested, \$55.

SECTION 2803f. 814.61 (8) (b) of the statutes is amended to read:

814.61 (8) (b) Of the fees received by the clerk under ~~this subsection~~ par. (a), the county treasurer shall pay 50% to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county.

SECTION 2803h. 814.61 (8) (c) of the statutes is created to read:

814.61 (8) (c) Of the fees received by the clerk under par. (am) 1, the county treasurer shall pay \$22.50 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county. The state treasurer shall credit \$5 of the \$22.50 to the appropriation under s. 20.680 (2) (j).

SECTION 2803j. 814.61 (8) (d) of the statutes is created to read:

814.61 (8) (d) Of the fees received by the clerk under par. (am) 2, the county treasurer shall pay \$30 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county. The state treasurer shall credit \$5 of the \$30 to the appropriation under s. 20.680 (2) (j).

~~SECTION 2803m. 814.61 (12) (a) of the statutes is repealed.~~

Vetoed in Part SECTION 2803p. 814.61 (12) (a) of the statutes is renumbered 814.61 (12), and 814.61 (12) (b), as renumbered, is amended to read:

814.61 (12) (b) If the clerk is required by court order or by law to deposit any of the funds in subd. 1 par. (a) in an account in a bank, savings and loan or other suitable financial institution, the type of account shall be in the clerk's discretion unless the court specifies a particular type of account in its order. In depositing the funds into any account, the clerk shall act as a conservator, not as a trustee, and shall not be held liable or responsible for obtaining any specific rate of interest on the deposit.

~~SECTION 2803r. 814.61 (12) (b) of the statutes is repealed.~~

SECTION 2804. 814.61 (13) of the statutes is amended to read:

814.61 (13) SUPPORT OR MAINTENANCE PETITION. For the cost to the county of administering s. 46.25, whenever a person not receiving aid under s. 49.19, 49.46, 49.465, 49.468 or 49.47 files a petition requesting child support, maintenance or family support payments, \$10 in addition to any other fee required under this section. This subsection does not apply to a petition filed by the state or its delegate.

SECTION 2805m. 814.62 (1) of the statutes is renumbered 814.62 (1) (a) and amended to read:

814.62 (1) (a) ~~The~~ Except as provided under par. (b), the fee for commencing a garnishment action under ch. 812, including actions under s. 799.01 (4) (b) (1) (d) 2, is \$15. Of the fees received by the clerk under this subsection paragraph, the county treasurer shall pay 50% to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county.

SECTION 2806b. 814.62 (1) (b) of the statutes is created to read:

814.62 (1) (b) Beginning with fees imposed on the effective date of this paragraph [revisor inserts date], and ending with fees imposed on June 30, 1993, the fee for commencing a garnishment action under ch. 812, including actions under s. 799.01 (1) (d) 2, is \$20. Of the fees received by the clerk under this paragraph, the county treasurer shall pay \$12.50 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county. The state treasurer shall credit \$5 of the \$12.50 to the appropriation under s. 20.680 (2) (j).

SECTION 2806d. 814.62 (3) (a) of the statutes is renumbered 814.62 (3) (a) 1 and amended to read:

814.62 (3) (a) 1. ~~In~~ Except as provided under subd. 2, in a small claims action under ch. 799, at the time of issuance of a summons or other process in a proceeding not commenced by a summons, the plaintiff shall pay to the clerk of court a fee of \$17.

SECTION 2806f. 814.62 (3) (a) 2 of the statutes is created to read:

814.62 (3) (a) 2. Beginning with the fees imposed on the effective date of this subdivision [revisor inserts date], and ending with the fees imposed on June 30, 1993, in a small claims action under ch. 799, at the time of issuance of a summons or other process in a proceeding not commenced by a summons, the plaintiff shall pay to the clerk of court a fee of \$22.

SECTION 2806h. 814.62 (3) (d) of the statutes is renumbered 814.62 (3) (d) 1 and amended to read:

814.62 (3) (d) 1. ~~Of~~ Except as provided in subd. 2 and 3, of the fees received by the clerk under pars. (a) 1 and (b), the county treasurer shall pay 40% to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county.

SECTION 2806j. 814.62 (3) (d) 2 of the statutes is created to read:

814.62 (3) (d) 2. Beginning with the fees imposed on the effective date of this subdivision [revisor inserts date], and ending with the fees imposed on June 30, 1993, of the fees received by the clerk under par. (a) 2, the county treasurer shall pay \$11.80 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county. The state treasurer shall credit ~~\$\$\$~~ the \$11.80 to the appropriation under s. 20.680 (2) (j).

SECTION 2806k. 814.62 (3) (d) 3 of the statutes is created to read:

814.62 (3) (d) 3. Beginning with the fees imposed on the effective date of this subdivision [revisor inserts

Vetoed in Part

date], and ending with the fees imposed on June 30, 1993, of the fees received by the clerk under par. (b), the county treasurer shall pay \$27.20 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county. The state treasurer shall credit \$10 of the \$27.20 to the appropriation under s. 20.680 (2) (j).

SECTION 2806m. 814.63 (1) of the statutes is renumbered 814.63 (1) (a) and amended to read:

814.63 (1) (a) ~~In~~ Except as provided under par. (d) in all forfeiture actions in circuit court, the clerk of court shall collect a fee of \$15 to be paid by the defendant when judgment is entered against the defendant.

SECTION 2806nb. 814.63 (1) (d) of the statutes is created to read:

814.63 (1) (d) Beginning with the fees imposed on the effective date of this paragraph [revisor inserts date], and ending on June 30, 1993, in all forfeiture actions in circuit court, the clerk of court shall collect a fee of \$20 to be paid by the defendant when judgment is entered against the defendant.

SECTION 2806nc. 814.63 (3) (ag) of the statutes is amended to read:

Vetoed
in Part

814.63 (3) (ag) Jail and detention facility assessment imposed by s. 53.46 (1).

SECTION 2806ng. 814.63 (3) (ag) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

814.63 (3) (ag) Jail and detention facility assessment imposed by s. 53.46 302.46 (1).

SECTION 2806p. 814.63 (5) of the statutes is renumbered 814.63 (5) (a) and amended to read:

814.63 (5) (a) Of the fees received by the clerk under sub. (1) (a), the county treasurer shall pay 50% to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county.

SECTION 2806r. 814.63 (5) (b) of the statutes is created to read:

814.63 (5) (b) Of the fees received by the clerk under sub. (1) (b), the county treasurer shall pay \$12.50 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county. The state treasurer shall credit \$5 of the \$12.50 to the appropriation under s. 20.680 (2) (j).

Vetoed
in Part

SECTION 2810b. 814.635 of the statutes is repeated.

Vetoed
in Part

SECTION 2810h. 814.65 (1) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:

814.65 (1) Court costs. In a municipal court action, except an action for violation of an ordinance in conformity with s. 247.48 (2m), the municipal judge shall collect a fee of \$15 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons or the action is tried as a contested matter. Of each \$15 fee received by the judge under this subsection, the

~~municipal treasurer shall pay monthly one third to the state treasurer for deposit in the general fund and shall retain the balance for the use of the municipality.~~ Vetoed
in Part

SECTION 2812. 846.16 (1) of the statutes is amended to read:

846.16 (1) The sheriff or referee who makes sale of mortgaged premises, under a judgment therefor, shall give notice of the time and place of sale in the manner provided by law for the sale of real estate upon execution or in such other manner as the court shall in the judgment direct; where the department of veterans affairs is also a party in the foreclosure action, the judgment shall direct that notice of sale be given by registered mail, return receipt requested, to the department at Madison, Wisconsin, at least 3 weeks prior to the date of sale, but such requirement does not affect any other provision as to giving notice of sale. ~~He~~ The sheriff or referee shall, within 10 days thereafter, file with the clerk of the court a report of the sale, and shall also immediately after the sale first deduct any fee due under s. 77.22 (1); then deposit that fee, a return under s. 77.22 and the deed with the clerk of the court for transmittal to the register of deeds; then deduct the costs and expenses of the sale, unless the court orders otherwise, and then deposit with the clerk of the court the proceeds of the sale, after deducting the costs and expenses thereon, unless otherwise ordered by the court. The sheriff may accept from the purchaser at such sale as a deposit or down payment upon the same not less than \$100, in which case such amount shall be so deposited with the clerk of the court as above provided, and the balance of the sale price shall be paid to the clerk by the purchaser at such sale upon the confirmation thereof. If the highest bid is less than \$100, the whole amount thereof shall be so deposited.

SECTION 2813. 859.07 of the statutes is amended to read:

859.07 Notice; publication. Notice of the time within which creditors may present their claims and of the time when the claims, as set by the court or probate registrar under informal administration proceedings, will be examined and adjusted by the court shall be given by publication, under s. 879.05 (4), and may be given with the notice for granting letters. No date for examination and adjustment need be given in informal administration proceedings. The first insertion shall be made within 15 days of the date of the order setting the time. In addition, if the decedent was at the time of death or at any time prior thereto a patient or inmate of any state or county hospital or institution or any person responsible for any obligation owing to the state or county under s. 46.03 (18), 46.10 or 48.36, notice in writing of the time within which creditors may present their claims and of the time when the claims will be examined shall be sent by registered or certified mail to the department of health and social services or the department of corrections,

as applicable, and the county clerk of the applicable county not less than 30 days before such examination, upon such blanks and containing such information as the applicable department or county clerk may provide. Prior to January 1, 1987, the applicable county is the county of legal settlement. On or after January 1, 1987, the applicable county is the county of residence, as defined in s. 49.01 (8g).

~~SECTION 2813m. 880.04 (2) (a) of the statutes is amended to read:~~

Vetoed
in Part

~~880.04 (2) (a). Deposit in a savings account in a bank, the payment of whose accounts in cash immediately upon default of the bank are insured by the federal deposit insurance corporation, or invest in the stock of a savings and loan association, payment of whose stock by substitution of stock in another and similar savings and loan association is insured by the federal savings and loan insurance corporation, in case of default in payment; or deposit in a savings account in a credit union having its deposits guaranteed by the Wisconsin credit union savings insurance corporation or by the national board, as defined in s. 186.01 (3m). The fee for the clerk's services in depositing and disbursing the funds under this paragraph is prescribed in s. 814.61 (12) (a).~~

SECTION 2814. 880.295 (1) of the statutes is amended to read:

880.295 (1) When a patient in any state or county hospital or mental hospital or in any state institution for the mentally deficient, or a resident of the county home or infirmary, appears in need of a guardian, and does not have a guardian, the department of health and social services by its collection and deportation counsel, or the county corporation counsel or district attorney if there is no corporation counsel, may apply to the circuit court of the county in which the patient resided at the time of commitment or the circuit court of the county in which the facility in which the patient resides is located for the appointment of a guardian of the person and estate, or either, or for the appointment of a conservator of the estate, and the court, upon the application, may appoint the guardian or conservator in the manner provided for the appointment of guardians under ss. 880.08 (1) and 880.33 or for the appointment of conservators under s. 880.31. If application is made by a district attorney or corporation counsel, a copy of the petition made to the court shall be filed with the department of health and social services. If application is made by a corporation counsel or district attorney for appointment of a guardian of the estate of the patient or resident, or by the patient or resident for appointment of a conservator of the patient's or resident's estate, the court may designate the county as guardian or conservator if the court finds that no relative or friend is available to serve as guardian or conservator and the county is not required to make or file any oath or give any bond or security, except in the discretion of the court making the appointment, as similarly provided under s. 223.03 (8) in the case of the appointment of a trust company

bank corporation. The court may place any limitations upon the guardianship or conservatorship as it deems to be in the best interest of the patient. Before any county employee administers the funds of a person's estate of which the county has been appointed guardian or conservator, the employee must be designated as securities agent in the classified service of the county, and the employee's designation as securities agent shall appear on all court papers which the security agent signs in the name of the county as guardian or conservator. The securities agent, before entering upon the duties, shall also furnish an official bond in such amount and with such sureties as the county board determines, subject to the prior approval of the amount by the court assigned to exercise jurisdiction. The bond shall be filed in the office of the register in probate, and a duplicate original thereof filed in the office of the county clerk. A conservatorship under this section shall be terminated by the court upon discharge of the patient unless application for continued conservatorship is made. The superintendent or director of the facility shall notify the court of the discharge of a patient for whom a guardian or conservator has been appointed under this subsection.

~~SECTION 2814m. 881.01 (intro.) of the statutes is amended to read:~~

Vetoed
in Part

~~881.01 Investment, prudent person rule. (intro.) Except as provided in ss. 25.15 and, 25.17 (2) (c) and 234.79, personal representatives, guardians and trustees may invest the funds of their trusts in accordance with the provisions pertaining to investments contained in the instrument under which they are acting, or in the absence of any such provision, then within the limits of the following standards:~~

SECTION 2815. 887.23 (1) of the statutes is amended to read:

887.23 (1) WHO MAY REQUIRE. The department of health and social services, the department of corrections, the state superintendent or the board of regents of the university of Wisconsin system may order the deposition of any witness to be taken concerning any institution under his, her or its government or superintendence, or concerning the conduct of any officer or agent thereof, or concerning any matter relating to the interests thereof. Upon presentation of a certified copy of such order to any municipal judge, notary public or court commissioner, the officer shall take the desired deposition in the manner provided for taking depositions to be used in actions. When any officer or agent of any institution is concerned and will be affected by the testimony, 2 days' written notice of the time and place of taking the deposition shall be given him or her. Any party interested may appear in person or by counsel and examine the witness touching the matters mentioned in the order. The deposition, duly certified, shall be delivered to the authority which ordered it.

~~SECTION 2816. 893.82 (2) (d) of the statutes is amended to read:~~

Vetoed
in Part

- 655 -

Vetoed
in Part

~~893.82 (2) (d) "State officer, employee or agent" includes an officer, employee or agent of any nonprofit corporation operating a museum under a lease agreement with the state historical society, a volunteer health care provider who provides services under s. 146.89 and a member of a local emergency planning committee appointed by a county board under s. 59.07 (146) (a).~~

SECTION 2817m. 895.46 (1) (b) 1 of the statutes is amended to read:

895.46 (1) (b) 1. Satisfactorily completed or are currently enrolled in the preparatory program of law enforcement training under s. 165.85 (4) (b) 1 and, if applicable, the recertification programs under s. 165.85 (4) (bn) 1, or have provided evidence of equivalent law enforcement training and experience as determined by the law enforcement standards board; or

Vetoed
in Part

~~SECTION 2818. 895.46 (4) of the statutes is created to read:~~

~~895.46 (4) The protection afforded by this section applies to any volunteer health care provider who provides services under s. 146.89.~~

SECTION 2819e. 895.48 (2) (a) 3 of the statutes is created to read:

895.48 (2) (a) 3. "Hazardous substance prediction" means any declaration or estimate of the likely spread or impact of an actual discharge of a hazardous substance that is based on meteorological, mathematical, computer or similar models.

SECTION 2819m. 895.48 (2) (a) 4 of the statutes is created to read:

895.48 (2) (a) 4. "Hazardous substance predictor" means any person who makes a hazardous substance prediction pursuant to a contract or agreement with a public agency or pursuant to a contract or agreement with a person who possesses or controls hazardous substances for the purpose of assisting that person in supplying a public agency with a hazardous substance prediction in the event of an actual discharge of a hazardous substance.

SECTION 2819s. 895.48 (2) (d) of the statutes is created to read:

895.48 (2) (d) 1. Any hazardous substance predictor or any person who provides the technology to enable hazardous substance predictions to be made is immune from civil liability for his or her good faith acts or omissions in making that prediction or providing that technology.

2. The good faith of any hazardous substance predictor or any person who provides the technology to make a prediction is presumed in any civil action. Any person who asserts that the acts or omissions under subd. 1 were not made in good faith has the burden of proving that assertion by clear and convincing evidence.

3. The immunity under subd. 1 does not extend to any person described under par. (c) 1, 2 or 3.

SECTION 2820. 895.485 (title) of the statutes is amended to read:

895.485 (title) Civil liability exemption; agencies, foster parents and family-operated group home parents.

SECTION 2821. 895.485 (1) of the statutes is renumbered 895.485 (2) and amended to read:

895.485 (2) Except as provided in ss. 167.10 (7) and 343.15 (2), any foster or family-operated group home parent licensed under s. 48.62 or 48.625 is immune from civil liability for any of the following:

(a) An act or omission of the foster or family-operated group home parent while he or she is acting in his or her capacity as a foster or family-operated group home parent.

(b) An act or omission of a foster child who is placed in a foster home or family-operated group home while he or she is in the foster or family-operated group home parent's care.

SECTION 2822. 895.485 (1) of the statutes is created to read:

895.485 (1) In this section, "family-operated group home" has the meaning given in s. 48.627 (1).

SECTION 2823. 895.485 (2) and (3) of the statutes are renumbered 895.485 (3) and (4), and 895.485 (3) and (4) (intro.) and (a), as renumbered, are amended to read:

895.485 (3) The immunity specified in sub. (4) (2) does not apply if the act or omission of a foster or family-operated group home parent was not done in good faith or was not in compliance with any written instructions, received from the agency that placed the child, regarding specific care and supervision of the foster child. The good faith of a foster or family-operated group home parent and the compliance of the foster or family-operated group home parent with any written instructions received from the agency that placed the child are presumed in a civil action. Any person who asserts that a foster or family-operated group home parent did not act in good faith, or did not comply with written instructions received from the agency who that placed the child, has the burden of proving that assertion.

(4) (intro.) Any agency that acts in good faith in placing a child with a foster or family-operated group home parent is immune from civil liability for any act or omission of the agency, the foster or family-operated group home parent or the foster child unless all of the following occur:

(a) The agency has failed to provide the foster or family-operated group home parent with any information relating to a medical, physical, mental or emotional condition of the foster child that it is required to disclose under this paragraph. The department of health and social services shall promulgate rules specifying the kind of information that an agency shall disclose to a foster or family-operated group home parent which relates to a medical, physical, mental or emotional condition of the foster child.

SECTION 2823m. 895.52 (6) (a) (intro.) of the statutes is amended to read:

895.52 (6) (a) (intro.) The private property owner collects money, goods or services in payment for the use of the owner's property for the recreational activity during which the injury occurs, and the aggregate value of all payments received by the owner for the use of the owner's property for recreational activities during the year in which the injury occurs exceeds \$500 \$2,000. The following do not constitute payment to a private property owner for the use of his or her property for a recreational activity:

SECTION 2824. 905.15 of the statutes is created to read:

905.15 Privilege in use of federal tax return information. (1) An employee of the department of health and social services or a county department under s. 46.215, 46.22 or 46.23 or a member of a governing body of a federally recognized American Indian tribe who is authorized by federal law to have access to or awareness of the federal tax return information of another in the performance of duties under s. 49.19 or 49.45 or 7 USC 2011 to 2049 may claim privilege to refuse to disclose the information and the source or method by which he or she received or otherwise became aware of the information.

(2) An employee or member specified in sub. (1) may not waive the right to privilege under sub. (1) or disclose federal tax return information or the source of that information except as provided by federal law.

SECTION 2825. 908.08 (1) of the statutes is amended to read:

908.08 (1) In any criminal trial or hearing, juvenile fact-finding hearing under s. 48.31 or revocation hearing under s. ~~57.06~~ 304.06 (3) or 973.10 (2), the court or hearing examiner may admit into evidence the videotaped oral statement of a child who is available to testify, as provided in this section.

SECTION 2825g. 939.45 (5) (a) 1 of the statutes, as affected by 1987 Wisconsin Act 332, is amended to read:

939.45 (5) (a) 1. "Child" has the meaning specified in s. 948.01 ~~(2)~~ (1).

SECTION 2825h. 939.45 (5) (a) 2 of the statutes, as created by 1987 Wisconsin Act 332, is repealed.

SECTION 2826. 941.295 (2) (c) of the statutes is amended to read:

941.295 (2) (c) Any corrections personnel in the department of ~~health and social services~~ corrections while on official duty.

SECTION 2826p. 943.13 (4m) of the statutes is created to read:

943.13 (4m) This section does not apply to any of the following:

(a) A person entering the premises, other than the residence or other buildings or the curtilage of the residence or other buildings, of another for the purpose of removing a wild animal as authorized under s. 29.59 (2), (3) or (4).

(b) A hunter entering land that is required to be open for hunting under s. 29.59 (4m) or 29.598 (7m).

SECTION 2827. 943.245 (8) of the statutes is amended to read:

943.245 (8) Nothing in this section precludes a plaintiff from bringing the action under ch. 799 if the amount claimed is within the jurisdictional limits of s. 799.01 ~~(4)~~ (1) (d).

SECTION 2828. 943.51 (6) of the statutes is amended to read:

943.51 (6) Nothing in this section precludes a plaintiff from bringing the action under ch. 799 if the amount claimed is within the jurisdictional limits of s. 799.01 ~~(4)~~ (1) (d).

SECTION 2828m. 944.20 (2) of the statutes is amended to read:

944.20 (2) Publicly and indecently exposes ~~a sex organ~~ genitals or pubic area.

SECTION 2829m. 945.01 (1) (d) of the statutes is amended to read:

945.01 (1) (d) Pari-mutuel ~~betting~~ wagering subject to ch. 562.

SECTION 2830. 945.01 (5) (am) of the statutes is amended to read:

945.01 (5) (am) "Lottery" does not include bingo or a raffle ~~as defined in s. 163.03~~ if conducted under ch. 163 or the state operated lottery as or any multis-tate lottery conducted under ch. 565.

SECTION 2830m. 946.13 (10) of the statutes is created to read:

946.13 (10) Subsection (1) (a) does not apply to a member of a private industry council or a state job training coordinating council appointed under the job training partnership act, 29 USC 1512.

SECTION 2831. 946.42 (1) (a) of the statutes is amended to read:

946.42 (1) (a) "Custody" includes without limitation actual custody of an institution, including a secured juvenile correctional facility, a secure detention facility, as defined under s. 48.02 (16), or a juvenile portion of a county jail, or of a peace officer or institution guard and constructive custody of prisoners and juveniles subject to an order under s. 48.34 (4m) temporarily outside the institution whether for the purpose of work, school, medical care, a leave granted under s. ~~56.068~~ 303.068, a temporary leave or furlough granted to a juvenile or otherwise. Under s. ~~56.08~~ 303.08 (6) it means, without limitation, that of the sheriff of the county to which the prisoner was transferred after conviction. It does not include the custody of a probationer or parolee by the department of ~~health and social services~~ corrections or a probation or parole officer or the custody of a person who has been released to aftercare supervision under ch. 48 unless the person is in actual custody.

SECTION 2832. 946.44 (2) (d) of the statutes is amended to read:

946.44 (2) (d) "Prisoner" includes a person who is committed to the custody of the department of ~~health and social services~~ corrections under s. 48.34 (4m) or who is subject to an order under s. 48.366.

SECTION 2833. 946.45 (2) (d) of the statutes is amended to read:

946.45 (2) (d) "Prisoner" includes a person who is committed to the custody of the department of ~~health and social services~~ corrections under s. 48.34 (4m) or who is subject to an order under s. 48.366.

SECTION 2834. 946.46 of the statutes is amended to read:

946.46 Encouraging violation of probation or parole. Whoever intentionally aids or encourages a parolee or probationer or any person committed to the department of ~~health and social services~~ corrections by reason of crime or delinquency to abscond or violate a term or condition of parole or probation is guilty of a Class A misdemeanor.

SECTION 2835. 947.06 (5) of the statutes is amended to read:

947.06 (5) Whoever, being employed in any capacity by or enrolled as a student in ~~such the~~ institution, is convicted under subs. (1) to (4) may be sentenced additionally or alternatively to not to exceed 6 months suspension without pay from his or her employment by ~~such the~~ institution if ~~he is~~ an employe, or suspension from enrollment in ~~such the~~ institution if ~~he is~~ a student, or both if ~~he is~~ both an employe and a student. If ~~such the~~ suspension is thus imposed, the institution shall not thereafter impose any other discipline upon ~~him the person~~ for his or her connection with the unlawful assembly. Any period of suspension from employment by or enrollment in the institution already served shall be deducted by the court in imposing this sentence. Any period of imprisonment, whether or not ~~he the person~~ is authorized under s. ~~56.08 303.08~~ to continue as an employe or student while imprisoned, shall count as a period of suspension from employment or enrollment or both hereunder.

SECTION 2835m. 947.16 of the statutes is renumbered 948.45.

SECTION 2836ag. 948.01 (1g) of the statutes is created to read:

948.01 (1g) "Joint legal custody" has the meaning given in s. 767.001 (1).

SECTION 2836am. 948.01 (1r) of the statutes is created to read:

948.01 (1r) "Legal custody" has the meaning given in s. 767.001 (2).

SECTION 2836ap. 948.01 (3m) of the statutes is created to read:

948.01 (3m) "Physical placement" has the meaning given in s. 767.001 (5).

SECTION 2836b. 948.015 (5) of the statutes, as affected by 1987 Wisconsin Act 332, is amended to read:

948.015 (5) Section 151.03, relating to ~~lead poisoning~~ applying lead-bearing paints or selling or transferring a fixture or other object containing a lead-bearing paint.

SECTION 2836bc. 948.02 (3) of the statutes, as created by 1987 Wisconsin Act 332, is amended to read:

948.02 (3) FAILURE TO ACT. A person responsible for the ~~child's~~ welfare of a child who has not attained the age of 16 years is guilty of a Class C felony if that person has knowledge that another person intends to have, is having or has had sexual intercourse or sexual contact with the child, is physically and emotionally capable of taking action which will prevent the intercourse or contact from taking place or being repeated, fails to take that action and the failure to act exposes the child to an unreasonable risk that intercourse or contact may occur between the child and the other person or facilitates the intercourse or contact that does occur between the child and the other person.

SECTION 2836be. 948.10 of the statutes, as created by 1987 Wisconsin Act 332, is amended to read:

948.10 (title) Exposing genitals or pubic area. Whoever, for purposes of sexual arousal or sexual gratification, causes a child to expose a ~~sex organ~~ genitals or pubic area or exposes a ~~sex organ~~ genitals or pubic area to a child is guilty of a Class A misdemeanor. This section does not apply if the child is the defendant's spouse.

SECTION 2836bg. 948.11 (1) (a) 1 of the statutes, as created by 1987 Wisconsin Act 332, is amended to read:

948.11 (1) (a) 1. Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body ~~which that~~ depicts nudity, ~~sexual~~ sexually explicit conduct, sadomasochistic abuse, physical torture or brutality and ~~which that~~ is harmful to children; or

SECTION 2836bi. 948.11 (1) (a) 2 of the statutes, as created by 1987 Wisconsin Act 332, is amended to read:

948.11 (1) (a) 2. Any book, pamphlet, magazine, printed matter however reproduced or sound recording ~~which that~~ contains any matter enumerated in subd. 1, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, ~~sexual~~ sexually explicit conduct, sadomasochistic abuse, physical torture or brutality and ~~which that~~, taken as a whole, is harmful to children.

SECTION 2836bL. 948.11 (1) (b) (intro.) of the statutes, as created by 1987 Wisconsin Act 332, is amended to read:

948.11 (1) (b) (intro.) "Harmful to children" means that quality of any description or representation, in whatever form, of nudity, ~~sexual~~ sexually explicit conduct, sexual excitement, sadomasochistic abuse, physical torture or brutality, when it:

SECTION 2836bn. 948.11 (2) (c) of the statutes, as created by 1987 Wisconsin Act 332, is amended to read:

948.11 (2) (c) It is an affirmative defense to a prosecution for a violation of this section if the defendant had reasonable cause to believe that the child had attained the age of 18 years, and the child exhibited to the defendant a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that the child had attained the age of 18 years. A defendant who raises this affirmative defense has the burden of proving this defense by a preponderance of the evidence ~~that is clear, satisfactory and convincing.~~

SECTION 2836c. 948.11 (4) of the statutes is created to read:

948.11 (4) LIBRARIES AND EDUCATIONAL INSTITUTIONS. (a) The legislature finds that the libraries and educational institutions under par. (b) carry out the essential purpose of making available to all citizens a current, balanced collection of books, reference materials, periodicals, sound recordings and audiovisual materials that reflect the cultural diversity and pluralistic nature of American society. The legislature further finds that it is in the interest of the state to protect the financial resources of libraries and educational institutions from being expended in litigation and to permit these resources to be used to the greatest extent possible for fulfilling the essential purpose of libraries and educational institutions.

(b) No person who is an employee, a member of the board of directors or a trustee of any of the following is liable to prosecution for violation of this section for acts or omissions while in his or her capacity as an employee, a member of the board of directors or a trustee:

1. A public elementary or secondary school.
2. A private school, as defined in s. 115.001 (3r).
3. Any school offering vocational, technical or adult education that:
 - a. Is a vocational, technical and adult education district school, is a school approved by the educational approval board under s. 38.51 or is a school described in s. 38.51 (9) (f), (g) or (h); and
 - b. Is exempt from taxation under section 501 (c) (3) of the internal revenue code, as defined in s. 71.01 (6).
4. Any institution of higher education that is accredited, as described in s. 39.30 (1) (d), and is exempt from taxation under section 501 (c) (3) of the internal revenue code, as defined in s. 71.01 (6).
5. A library that receives funding from any unit of government.

SECTION 2836e. 948.11 (5) of the statutes is created to read:

948.11 (5) SEVERABILITY. The provisions of this section, including the provisions of sub. (4), are severable, as provided in s. 990.001 (11).

SECTION 2836f. 948.22 (1) (b) 1 of the statutes, as affected by 1987 Wisconsin Act 332, is renumbered 948.22 (1) (b).

SECTION 2836g. 948.22 (1) (b) 2 of the statutes, as affected by 1987 Wisconsin Act 332, is repealed.

SECTION 2836h. 948.22 (2) of the statutes, as affected by 1987 Wisconsin Act 332, is amended to read:

948.22 (2) ~~Before January 1, 1990, any~~ Any person who intentionally fails for 120 or more consecutive days to provide spousal, grandchild or child support which the person knows or reasonably should know the person is legally obligated to provide is guilty of a Class E felony.

SECTION 2836i. 948.22 (2m) of the statutes, as affected by 1987 Wisconsin Act 332, is repealed.

SECTION 2836j. 948.22 (3) of the statutes, as affected by 1987 Wisconsin Act 332, is amended to read:

948.22 (3) ~~Before January 1, 1990, any~~ Any person who intentionally fails for less than 120 consecutive days to provide spousal, grandchild or child support which the person knows or reasonably should know the person is legally obligated to provide is guilty of a Class A misdemeanor.

SECTION 2836L. 948.22 (3m) of the statutes, as affected by 1987 Wisconsin Act 332, is repealed.

SECTION 2836n. 948.22 (4) of the statutes, as affected by 1987 Wisconsin Act 332, is amended to read:

948.22 (4) ~~Before January 1, 1990, under~~ Under this section, the following is prima facie evidence of intentional failure to provide child, grandchild or spousal support:

(a) ~~Before January 1, 1990, for~~ For a person subject to a court order requiring child, grandchild or spousal support payments, failure to pay any child, grandchild or spousal support payment required under the order.

(b) ~~Before January 1, 1990, for~~ For a person not subject to a court order requiring child, grandchild or spousal support payments, failure to provide support equal to at least the amount set forth under s. 49.19 (11) (a) 4 or causing a spouse, grandchild or child to become a dependent person as defined in s. 49.01 (2).

SECTION 2836p. 948.22 (4m) of the statutes, as affected by 1987 Wisconsin Act 332, is repealed.

SECTION 2836r. 948.22 (5) of the statutes, as affected by 1987 Wisconsin Act 332, is amended to read:

948.22 (5) ~~Before January 1, 1990, under~~ Under this section, it is not a defense that child, grandchild or spousal support is provided wholly or partially by any other person.

SECTION 2836t. 948.22 (5m) of the statutes, as affected by 1987 Wisconsin Act 332, is repealed.

SECTION 2836v. 948.22 (6) of the statutes, as affected by 1987 Wisconsin Act 332, is amended to read:

948.22 (6) ~~Before January 1, 1990, under~~ Under this section, affirmative defenses include but are not limited to inability to provide child, grandchild or spousal support. A person may not demonstrate inability to provide child, grandchild or spousal support if the person is employable but, without reasonable excuse, either fails to diligently seek employment, terminates employment or reduces his or her earnings or assets. A person who raises an affirmative defense has the burden of proving the defense by a preponderance of the evidence.

SECTION 2836w. 948.22 (6m) of the statutes, as affected by 1987 Wisconsin Act 332, is repealed.

SECTION 2836x. 948.22 (7) (a), (b) 1 and 2 and (c) of the statutes, as affected by 1987 Wisconsin Act 332, are amended to read:

948.22 (7) (a) ~~Before January 1, 1990, before~~ Before trial, upon petition by the complainant and notice to the defendant, the court may enter a temporary order requiring payment of child, grandchild or spousal support.

(b) 1. ~~Before January 1, 1990, if~~ If a court order requiring the defendant to pay child, grandchild or spousal support exists, order the defendant to pay the amount required including any amount necessary to meet a past legal obligation for support and, if appropriate, modify that order.

2. ~~Before January 1, 1990, if~~ If no court order described under subd. 1 exists, enter such an order and do so, for orders for child or spousal support, after considering s. 767.25.

(c) ~~Before January 1, 1990, an~~ An order under par. (a) or (b), other than an order for grandchild support, constitutes an income assignment under s. 767.265 and may be enforced under s. 767.30. Any payment ordered under par. (a) or (b), other than a payment for grandchild support, shall be ~~expressed as a percentage of the obligor's income but the order shall also include a finding of the monthly amount that the percentage of income figure represents and shall be made in the manner provided under s. 767.29. If a parent who has been ordered to pay child support has no income, the court shall still enter an order of child support expressed as a percentage of the parent's income. The court shall also include a finding of one of the following:~~

1. ~~That due to the parent's present lack of income, the monthly amount that the percentage figure represents is 10. The court shall also require the parent who has been ordered to pay child support to notify the child's other parent and the county child support program designee under s. 59.07 (97) immediately upon his or her receipt of any income. If the county child support program is notified of the availability of income, the finding in the order shall be adjusted to reflect the income.~~

2. ~~That due to the earning capacity of the parent, based on the parent's education, training, and work~~

~~experience and the availability of work in or near the parent's community, the monthly amount that the percentage figure represents is a fixed sum. The court shall also require the parent who has been ordered to pay child support to notify the child's other parent and the county child support program designee under s. 59.07 (97) immediately upon his or her receipt of any income.~~

SECTION 2836y. 948.22 (7m) and (8) of the statutes, as affected by 1987 Wisconsin Act 332, are repealed.

SECTION 2836ym. 948.31 (1) (a) 1 and (b), (2) and (3) (b) and (c) of the statutes, as created by 1987 Wisconsin Act 332, are amended to read:

948.31 (1) (a) 1. A parent or other person having legal custody of the child under an order or judgment in an action for divorce, legal separation, annulment, child custody, paternity, guardianship or habeas corpus.

(b) Except as provided under ch. 48, whoever intentionally causes a child to leave, takes a child away or withholds a child for more than 12 hours beyond the court-approved period of physical placement or visitation period from a legal custodian with intent to deprive the custodian of his or her custody rights without the consent of the custodian is guilty of a Class E felony. This paragraph is not applicable if the court has entered an order authorizing the person to so take or withhold the child. The fact that joint legal custody has been awarded to both parents by a court does not preclude a court from finding that one parent has committed a violation of this paragraph.

(2) Whoever causes a child to leave, takes a child away or withholds a child for more than 12 hours from the child's parents, or the child's mother in the case of a nonmarital child where parents do not subsequently intermarry under s. 767.60, without the consent of the parents or the mother, is guilty of a Class E felony. This subsection is not applicable if legal custody has been granted by court order to the person taking or withholding the child.

(3) (b) After being served with process in an action affecting the family but prior to the issuance of a temporary or final order determining child custody rights to a child, takes the child or causes the child to leave with intent to deprive the other parent of physical custody as defined in s. 822.02 (9),

(c) After issuance of a temporary or final order specifying joint legal custody rights and periods of physical placement, takes a child from or causes a child to leave the other parent in violation of the custody order or withholds a child for more than 12 hours beyond the court-approved period of physical placement or visitation period.

SECTION 2837b. 948.31 (1) (a) 2 of the statutes is amended to read:

948.31 (1) (a) 2. The department of health and social services or department of corrections or any

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person, county department under s. 46.215, 46.22 or 46.23 or licensed child welfare agency, if custody of the child has been transferred under ch. 48 to the that department, person or agency.

SECTION 2837g. 948.40 (2) of the statutes, as created by 1987 Wisconsin Act 332, is amended to read:

948.40 (2) No person ~~who is~~ responsible for the child's welfare may, by disregard of the welfare of the child, contribute to the delinquency of the child. This subsection includes disregard ~~which that~~ contributes to an act by a child under the age of 12 ~~which that~~ would be a delinquent act if committed by a child 12 years of age or older.

SECTION 2837r. 950.04 (1) of the statutes, as affected by 1987 Wisconsin Act 332, is amended to read:

950.04 (1) To be informed by local law enforcement agencies and the district attorney of the final disposition of the case. If the crime charged is a felony or is specified in ch. 940 ~~or s. 948.02, 948.03 or 948.05~~, the victim shall be notified whenever the defendant or perpetrator is released from custody. The victim shall be notified of a pardon application by the governor under s. 57.09 (3).

SECTION 2838. 950.04 (1) of the statutes, as affected by 1987 Wisconsin Act 332 and 1989 Wisconsin Act (this act), is repealed and recreated to read:

950.04 (1) To be informed by local law enforcement agencies and the district attorney of the final disposition of the case. If the crime charged is a felony or is specified in ch. 940, the victim shall be notified whenever the defendant or perpetrator is released from custody. The victim shall be notified of a pardon application by the governor under s. 304.09 (3).

SECTION 2839. 950.045 of the statutes is amended to read:

950.045 Victims; application for parole or pardon. Victims of crimes have the right to provide written statements concerning parole applications under s. ~~57.06~~ 304.06 (1) (e) and to provide written statements concerning pardon applications under s. ~~57.10~~ 304.10 (2).

~~SECTION 2839g. 950.06 (2) of the statutes is amended to read:~~

~~950.06 (2) The costs of enforcing rights under s. 950.04 and providing services under s. 950.05 shall be paid for by the county, but the county is eligible to receive reimbursement from the state for the costs incurred in providing services under s. 950.05. For costs incurred on or after January 1, 1982, the county is eligible to receive funding from the state for not more than 90% of the costs incurred in providing services under s. 950.05. The department shall determine the level of services for which a county may be reimbursed. The county board shall file a claim for reimbursement with the department. The department shall reimburse the counties from the appropriations under s. 20.455 (5) (e) and (g) on a semiannual basis for services provided. If a county has a program plan~~

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~~approved after July 2, 1983, the department may reimburse the county only for services provided on or after January 1, 1984.~~

~~SECTION 2839j. 950.08 of the statutes is created to read:~~

~~950.08 Services for victims of domestic abuse. (1) In this section, "domestic abuse" has the meaning given in s. 968.075 (1) (a).~~

~~(2) The department shall award grants to district attorney offices for the provision of the following types of services for victims of domestic abuse:~~

~~(a) Orienting domestic abuse victims to the criminal justice process.~~

~~(b) Notifying domestic abuse victims regarding the status of their cases.~~

~~(c) Monitoring domestic abuse offenders on deferred prosecution or diversion programs.~~

~~(d) Increasing domestic abuse victims' cooperation with criminal justice agencies and improving victims' testimony.~~

~~(e) Providing referrals to shelters, medical treatment, crisis intervention, financial assistance, long-term counseling and legal services.~~

~~(3) District attorney offices may provide the services under sub. (2) directly or have them provided under contracts with agencies that provide services to victims of domestic abuse.~~

~~SECTION 2840. 967.02 (2) of the statutes is amended to read:~~

~~967.02 (2) "Department" means the department of health and social services corrections, except as provided in s. 975.001.~~

~~SECTION 2841. 967.04 (9) of the statutes is amended to read:~~

~~967.04 (9) In any criminal prosecution or juvenile fact-finding hearing under s. 48.31, the court may admit into evidence a videotaped deposition taken under subs. (7) and (8) without an additional hearing under s. 908.08. In any proceeding under s. ~~57.06~~ 304.06 (3) or 973.10 (2), the hearing examiner may order and preside at the taking of a videotaped deposition using the procedure provided in subs. (7) and (8) and may admit the videotaped deposition into evidence without an additional hearing under s. 908.08.~~

~~SECTION 2841g. 968.075 (1) (a) (intro.) of the statutes is amended to read:~~

~~968.075 (1) (a) (intro.) "Domestic abuse" means any of the following engaged in by an adult person against his or her spouse, or former spouse or adult relative or, against an adult with whom the person resides or formerly resided or against an adult with whom the person has created a child.~~

~~SECTION 2841h. 968.075 (1) (c) of the statutes is repealed.~~

~~SECTION 2841i. 968.075 (2) of the statutes is renumbered 968.075 (2) (a), and 968.075 (2) (a) (intro.), as renumbered, is amended to read:~~

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in Part

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~~968.075 (2) (a) (intro.) Notwithstanding s. 968.07 (1) (intro.) and except as provided in par. (b), a law enforcement officer shall arrest under s. 968.07 and take a person into custody if:~~

~~SECTION 2841j. 968.075 (2) (b) of the statutes is created to read:~~

~~968.075 (2) (b) If the officer's reasonable grounds for belief under par. (a) 1 are based on a report of an alleged domestic abuse incident, the officer is required to make an arrest under par. (a) only if the report is received, within 28 days after the day the incident is alleged to have occurred, by the officer or the law enforcement agency that employs the officer.~~

~~SECTION 2841k. 968.075 (3) (a) 1, b of the statutes is amended to read:~~

~~968.075 (3) (a) 1, b. When the officer has reasonable grounds to believe that spouses, former spouses or other persons who reside together or formerly resided together are committing or have committed domestic abuse against each other, the officer does not have to arrest both persons, but should arrest the person whom the officer believes to be the primary physical aggressor. In determining who is the primary physical aggressor, an officer should consider the intent of this section to protect victims of domestic violence, the relative degree of injury or fear inflicted on the persons involved and any history of domestic abuse between these persons, if that history can reasonably be ascertained by the officer.~~

~~SECTION 2841L. 968.075 (3) (a) 3 of the statutes is amended to read:~~

~~968.075 (3) (a) 3. A procedure for notifying the alleged victim of the incident of the provisions in sub. (5), the procedure for releasing the arrested person and the likelihood and probable time of the arrested person's release.~~

~~SECTION 2841m. 968.075 (5) (a) 1 of the statutes is amended to read:~~

~~968.075 (5) (a) 1. Unless there is a waiver under par. (b), during the 24 hours immediately following an arrest for a domestic abuse incident, the arrested person shall avoid the residence of the alleged victim of the domestic abuse incident and, if applicable, any premises temporarily occupied by the alleged victim, and avoid contacting or causing any person, other than law enforcement officers and attorneys for the arrested person and alleged victim, to contact the alleged victim.~~

~~SECTION 2841p. 968.075 (5) (e) of the statutes is amended to read:~~

~~968.075 (5) (e) Notwithstanding s. 968.07 (1) (intro.), a law enforcement officer shall arrest under s. 968.07 and take a person into custody if the officer has reasonable grounds to believe that the person has violated par. (a).~~

~~SECTION 2841q. 968.075 (6) of the statutes is amended to read:~~

Vetoed
in Part

~~968.075 (6) CONDITIONAL RELEASE. A person arrested and taken into custody for a domestic abuse incident is eligible for conditional release. Unless there is a waiver under sub. (5) (c), as part of the conditions of any such release that occurs during the 24 hours immediately following such an arrest, the person shall be required to comply with the requirements under sub. (5) (a) and to sign the acknowledgement under sub. (5) (b). The arrested person's release shall be conditioned upon his or her signed agreement to refrain from any threats or acts of domestic abuse against the alleged victim or other person. The person is not eligible for release on his or her own recognizance pursuant to a citation issued under s. 809.02 or 968.085.~~

~~SECTION 2841xm. 968.075 (7) (c) of the statutes is created to read:~~

~~968.075 (7) (c) A policy indicating that a domestic abuse incident should be prosecuted as a criminal action if the district attorney believes the incident constitutes the commission of a crime.~~

~~SECTION 2842. 969.02 (3) (d) of the statutes is amended to read:~~

~~969.02 (3) (d) Impose any other condition deemed reasonably necessary to assure appearance as required or any nonmonetary condition deemed reasonably necessary to protect members of the community from serious bodily harm or prevent intimidation of witnesses, including a condition that the defendant return to custody after specified hours. The charges authorized by s. 56.08 303.08 (4) and (5) shall not apply under this section.~~

~~SECTION 2843. 969.03 (1) (e) of the statutes is amended to read:~~

~~969.03 (1) (e) Impose any other condition deemed reasonably necessary to assure appearance as required or any nonmonetary condition deemed reasonably necessary to protect members of the community from serious bodily harm or prevent intimidation of witnesses, including a condition requiring that the defendant return to custody after specified hours. The charges authorized by s. 56.08 303.08 (4) and (5) shall not apply under this section.~~

~~SECTION 2844. 971.11 (6) of the statutes is amended to read:~~

~~971.11 (6) The prisoner shall be delivered into the custody of the sheriff of the county in which the charge is pending for transportation to the court, and the prisoner shall be retained in that custody during all proceedings under this section. The sheriff shall return the prisoner to the prison upon the completion of the proceedings and during any adjournments or continuances and between the preliminary examination and the trial, except that if the department certifies a jail as being suitable to detain the prisoner, he or she may be detained there until the court disposes of the case. The prisoner's existing sentence continues to run and he or~~

she receives time credit under s. ~~53.14~~ 302.11 while in custody.

SECTION 2845. 971.14 (2) (a) of the statutes is amended to read:

971.14 (2) (a) The court shall appoint one or more examiners having the specialized knowledge determined by the court to be appropriate to examine and report upon the condition of the defendant. If an inpatient examination is determined by the court to be necessary, the defendant may be committed to a suitable mental health facility for the examination period specified in par. (c), which shall be deemed days spent in custody under s. 973.155. If the examination is to be conducted by the department of health and social services, the court shall order the individual to the facility designated by the department of health and social services.

SECTION 2846. 971.14 (2) (am) of the statutes is created to read:

971.14 (2) (am) Notwithstanding par. (a), if the court orders the defendant to be examined by the department or a department facility, the department shall determine where the examination will be conducted, who will conduct the examination and whether the examination will be conducted on an inpatient or outpatient basis. Any such outpatient examination shall be conducted in a jail or a locked unit of a facility. In any case under this paragraph in which the department determines that an inpatient examination is necessary, the 15-day period under par. (c) begins upon the arrival of the defendant at the inpatient facility. If an outpatient examination is begun by or through the department, and the department later determines that an inpatient examination is necessary, the sheriff shall transport the defendant to the inpatient facility designated by the department, unless the defendant has been released on bail.

SECTION 2847. 971.14 (2) (b) of the statutes is amended to read:

971.14 (2) (b) If the defendant has been released on bail, ~~no~~ the court may not order an involuntary inpatient examination ~~may be ordered~~ unless the defendant fails to cooperate in the examination or the examiner informs the court that inpatient observation is necessary for an adequate examination.

SECTION 2848. 971.14 (2) (c) of the statutes is amended to read:

971.14 (2) (c) Inpatient examinations shall be completed and the report of examination filed within 15 days after the examination is ordered or as specified in par. (am), whichever is applicable, unless, for good cause, the facility or examiner appointed by the court cannot complete the examination within this period and requests an extension, ~~in which~~. In that case, the court may allow one 15-day extension of the examination period. Outpatient examinations shall be completed and the report of examination filed within 30 days after the examination is ordered.

SECTION 2848h. 971.14 (3) (dm) of the statutes is created to read:

971.14 (3) (dm) If sufficient information is available to the examiner to reach an opinion, the examiner's opinion on whether the defendant needs medication or treatment and whether the defendant is not competent to refuse medication or treatment for the defendant's mental condition. The defendant is not competent to refuse medication or treatment if, because of mental illness, developmental disability, alcoholism or drug dependence, the defendant is incapable of expressing an understanding of the advantages and disadvantages of accepting medication or treatment, and the alternatives to accepting the particular medication or treatment offered, after the advantages, disadvantages and alternatives have been explained to the defendant.

SECTION 2848p. 971.14 (3) (e) of the statutes is amended to read:

971.14 (3) (e) The facts and reasoning, in reasonable detail, upon which the findings and opinions under pars. (b) to ~~(d)~~ (dm) are based.

SECTION 2848t. 971.14 (4) (b) of the statutes is amended to read:

971.14 (4) (b) If the district attorney, the defendant and defense counsel waive their respective opportunities to present other evidence on the issue, the court shall promptly determine the defendant's competency and, if at issue, competency to refuse medication or treatment for the defendant's mental condition on the basis of the report filed under sub. (3) or (5). In the absence of these waivers, the court shall hold an evidentiary hearing on the issue. Upon consent of all parties and approval by the court for good cause shown, testimony may be received into the record of the hearing by telephone or live audiovisual means. At the commencement of the hearing, the judge shall ask the defendant whether he or she claims to be competent or incompetent. If the defendant stands mute or claims to be incompetent, the defendant shall be found incompetent unless the state proves by the greater weight of the credible evidence that the defendant is competent. If the defendant claims to be competent, the defendant shall be found competent unless the state proves by evidence which that is clear and convincing that the defendant is incompetent. If the defendant is found incompetent and if the state proves by evidence that is clear and convincing that the defendant is not competent to refuse medication or treatment, under the standard specified in sub. (3) (dm), the court shall make a determination without a jury and issue an order that the defendant is not competent to refuse medication or treatment for the defendant's mental condition and that whoever administers the medication or treatment to the defendant shall observe appropriate medical standards.

SECTION 2849. 971.14 (5) (a) of the statutes is amended to read:

971.14 (5) (a) If the court determines that the defendant is not competent but is likely to become competent within the period specified in this paragraph if provided with appropriate treatment, ~~the court shall suspend the proceedings and commit the defendant to the custody of the department for placement in an appropriate institution for a period of time not to exceed 48 12 months, or the maximum sentence specified for the most serious offense with which the defendant is charged, whichever is less. Days spent in commitment under this paragraph shall be deemed are~~ considered days spent in custody under s. 973.155.

SECTION 2850. 971.14 (5) (a) of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

971.14 (5) (a) If the court determines that the defendant is not competent but is likely to become competent within the period specified in this paragraph if provided with appropriate treatment, the court shall suspend the proceedings and commit the defendant to the custody of the department of health and social services for placement in an appropriate institution for a period of time not to exceed 12 months, or the maximum sentence specified for the most serious offense with which the defendant is charged, whichever is less. Days spent in commitment under this paragraph are considered days spent in custody under s. 973.155.

SECTION 2850m. 971.14 (5) (am) of the statutes is created to read:

971.14 (5) (am) If the defendant is not subject to a court order determining the defendant to be not competent to refuse medication or treatment for the defendant's mental condition and if the treatment facility determines that the defendant should be subject to such a court order, the treatment facility may file with the court with notice to the counsel for the defendant, the defendant and the district attorney, a motion for a hearing, under the standard specified in sub. (3) (dm), on whether the defendant is not competent to refuse medication or treatment. A report on which the motion is based shall accompany the motion and notice of motion and shall include a statement signed by a licensed physician that asserts that the defendant needs medication or treatment and that the defendant is not competent to refuse medication or treatment, based on an examination of the defendant by a licensed physician. Within 10 days after a motion is filed under this paragraph, the court shall, under the procedures and standards specified in sub. (4) (b), determine the defendant's competency to refuse medication or treatment for the defendant's mental condition. At the request of the defendant, the defendant's counsel or the district attorney, the hearing may be postponed, but in no case may the postponed hearing be held more than 20 days after a motion is filed under this paragraph.

SECTION 2851. 971.14 (5) (b) of the statutes is amended to read:

971.14 (5) (b). The defendant shall be periodically reexamined by the treatment facility. Written reports of examination shall be furnished to the court 3 months after commitment, 6 months after commitment, 9 months after commitment and within 30 days prior to the expiration of commitment. Each report shall indicate either that the defendant has become competent, that the defendant remains incompetent but that attainment of competency is likely within the remaining commitment period, or that the defendant has not made such progress that attainment of competency is likely within the remaining commitment period. Any report indicating such a lack of sufficient progress shall include the examiner's opinion regarding whether the defendant is mentally ill, alcoholic, drug dependent, developmentally disabled or infirm because of aging or other like incapacities.

SECTION 2852. 971.14 (5) (d) of the statutes is amended to read:

971.14 (5) (d) If the defendant is receiving medication the court may make appropriate orders for the continued administration of the medication in order to maintain the competence of the defendant for the duration of the proceedings. If a defendant who has been restored to competency thereafter again becomes incompetent, the maximum commitment period under par. (a) shall be 24 18 months minus the days spent in previous commitments under this subsection, or 48 12 months, whichever is less.

SECTION 2853. 971.14 (6) (c) of the statutes is amended to read:

971.14 (6) (c) If a person is committed under s. 51.20 pursuant to a petition under par. (b), the county department under s. 51.42 or 51.437 to whose care and custody the person is committed shall notify the court which discharged the person under par. (a), the district attorney for the county in which that court is located and the person's attorney of record in the prior criminal proceeding at least 14 days prior to transferring or discharging the defendant from an inpatient treatment facility and at least 14 days prior to the expiration of the order of commitment or any subsequent consecutive order, unless the county department or the department of health and social services has applied for an extension.

SECTION 2854. 971.14 (7) of the statutes is created to read:

971.14 (7) SUPERVISION. The court may order that probation and parole agents of the department of corrections supervise a defendant committed under sub. (5) who is determined to be not competent and is released under this section.

SECTION 2854d. 971.16 (2) of the statutes is amended to read:

971.16 (2) Not less than 10 days before trial, or such other time as the court directs, any physician appointed pursuant to sub. (1) shall file a report of his or her examination of the defendant with the judge,

who shall cause copies to be transmitted to the district attorney and to counsel for the defendant. The contents of the report shall be confidential until the physician has testified or at the completion of the trial. The report shall contain an opinion regarding the ability of the defendant to appreciate the wrongfulness of his the defendant's conduct or to conform his the defendant's conduct with the requirements of law at the time of the commission of the criminal offense charged and, if sufficient information is available to the physician to reach an opinion, his or her opinion on whether the defendant needs medication or treatment and whether the defendant is not competent to refuse medication or treatment for the defendant's mental condition. The defendant is not competent to refuse medication or treatment if, because of mental illness, developmentally disability, alcoholism or drug dependence, the defendant is incapable of expressing an understanding of the advantages and disadvantages of accepting medication or treatment, and the alternatives to accepting the particular medication or treatment offered, after the advantages, disadvantages and alternatives have been explained to the defendant.

SECTION 2854h. 971.16 (4) of the statutes is amended to read:

971.16 (4) ~~When~~ If a physician or other expert who has examined the defendant testifies concerning his the defendant's mental condition, he or she shall be permitted to make a statement as to the nature of his or her examination, his or her diagnosis of the mental condition of the defendant at the time of the commission of the offense charged, ~~and, his or her opinion as to the ability of the defendant to appreciate the wrongfulness of his the defendant's conduct or to conform to the requirements of law.~~ He and, if sufficient information is available to the physician or expert to reach an opinion, his or her opinion on whether the defendant needs medication or treatment and whether the defendant is not competent to refuse medication or treatment for the defendant's mental condition. Testimony concerning the defendant's need for medication or treatment and competence to refuse medication or treatment may not be presented before the jury that is determining the ability of the defendant to appreciate the wrongfulness of his or her conduct or to conform his or her conduct with the requirements of law at the time of the commission of the criminal offense charged. The physician or other expert shall be permitted to make an explanation reasonably serving to clarify his or her diagnosis and opinion and may be cross-examined as to any matter bearing on his or her competency or credibility or the validity of his or her diagnosis or opinion.

SECTION 2855. 971.165 (2) of the statutes is amended to read:

971.165 (2) If the plea of not guilty by reason of mental disease or defect is tried to a jury, the court shall inform the jury that the effect of a verdict of not guilty by reason of mental disease or defect is that, in

lieu of criminal sentence or probation, the defendant will be committed to the custody of the department of health and social services and will be placed in an appropriate institution unless the court determines that the defendant would not pose a danger to himself or herself or to others if released under conditions ordered by the court. No verdict on the plea of not guilty by reason of mental disease or defect may be valid or received unless agreed to by at least five-sixths of the jurors.

SECTION 2856. 971.17 of the statutes, as affected by 1989 Wisconsin Act (this act), is repealed and recreated to read:

971.17 Legal effect of finding of not guilty because of mental disease or defect. (1) If a defendant is found not guilty by reason of mental disease or defect, the court shall order the defendant to be committed to the department of health and social services to be placed in an appropriate institution for custody, care and treatment until discharged as provided in this section. If the state proves by evidence that is clear and convincing that the defendant is not competent to refuse medication or treatment for the defendant's mental condition, under the standard specified in s. 971.16 (2), the court shall make a determination without a jury and issue as part of the commitment order an order that the defendant is not competent to refuse medication or treatment for the defendant's mental condition and that whoever administers the medication or treatment to the defendant shall observe appropriate medical standards.

(1m) If the defendant is not subject to a court order determining the defendant to be not competent to refuse medication or treatment for the defendant's mental condition and if the institution in which the defendant is placed under sub. (1) determines that the defendant should be subject to such a court order, the institution may file with the court with notice to the counsel for the defendant, the defendant and the district attorney, a motion for a hearing, under the standard specified in s. 971.16 (2), on whether the defendant is not competent to refuse medication or treatment. A report on which the motion is based shall accompany the motion and notice of motion and shall include a statement signed by a licensed physician that asserts that the defendant needs medication or treatment and that the defendant is not competent to refuse medication or treatment, based on an examination of the defendant by a licensed physician. Within 10 days after a motion is filed under this subsection, the court without a jury shall determine the defendant's competency to refuse medication or treatment for the defendant's mental condition. At the request of the defendant, the defendant's counsel or the district attorney, the hearing may be postponed, but in no case may the postponed hearing be held more than 20 days after a motion is filed under this subsection. If the district attorney, the defendant and defense counsel waive their respective opportunities to present other evidence on the issue, the court shall

determine the defendant's competency to refuse medication or treatment on the basis of the report accompanying the motion. In the absence of these waivers, the court shall hold an evidentiary hearing on the issue. Upon consent of all parties and approval by the court for good cause shown, testimony may be received into the record of the hearing by telephone or live audiovisual means. If the state proves by evidence that is clear and convincing that the defendant is not competent to refuse medication or treatment, under the standard specified in s. 971.16 (2), the court shall make a determination without a jury and issue as part of the defendant's commitment order an order that the defendant is not competent to refuse medication or treatment for the defendant's mental condition and that whoever administers the medication or treatment to the defendant shall observe appropriate medical standards.

(2) A reexamination of a defendant's mental condition may be had as provided in s. 51.20 (16), except that the reexamination shall be before the committing court and notice shall be given to the district attorney. The application may be made by the defendant or the department of health and social services. Upon consent of all parties and approval by the court for good cause shown, testimony may be received into the record of a hearing under this subsection by telephone or live audio-visual means. If the court is satisfied that the defendant may be safely discharged or released without danger to himself or herself or to others, it shall order the discharge of the defendant or order his or her release on such conditions as the court determines to be necessary, including supervision by probation and parole agents of the department of corrections. If it is not so satisfied, it shall recommit him or her to the custody of the department of health and social services. Before a person is conditionally released by the court under this subsection, the court shall so notify the municipal police department and county sheriff for the area where the person will be residing. The notification requirement does not apply if a municipal department or county sheriff submits to the court a written statement waiving the right to be notified.

(3) If, within the maximum period for which a person could have been imprisoned if convicted of the offense charged, subject to s. 302.11 and the credit provisions of s. 973.155, the court determines after a hearing that the conditions of release have not been fulfilled and that the safety of the person or the safety of others requires that his or her conditional release be revoked, the court shall immediately order the person recommitted to the department of health and social services, subject to discharge or release only in accordance with sub. (2).

(4) When the maximum period for which a defendant could have been imprisoned if convicted of the offense charged has elapsed, subject to s. 302.11 and the credit provisions of s. 973.155, the court shall

order the defendant discharged subject to the right of the department to proceed against the defendant under ch. 51. If the department does not so proceed, the court may order the proceeding.

SECTION 2856g. 971.17 (1) of the statutes is amended to read:

971.17 (1) ~~When~~ If a defendant is found not guilty by reason of mental disease or defect, the court shall order ~~him~~ the defendant to be committed to the department to be placed in an appropriate institution for custody, care and treatment until discharged as provided in this section. If the state proves by evidence that is clear and convincing that the defendant is not competent to refuse medication or treatment for the defendant's mental condition, under the standard specified in s. 971.16 (2), the court shall make a determination without a jury and issue as part of the commitment order an order that the defendant is not competent to refuse medication or treatment for the defendant's mental condition and that whoever administers the medication or treatment to the defendant shall observe appropriate medical standards.

SECTION 2856j. 971.17 (1m) of the statutes is created to read:

971.17 (1m) If the defendant is not subject to a court order determining the defendant to be not competent to refuse medication or treatment for the defendant's mental condition and if the institution in which the defendant is placed under sub. (1) determines that the defendant should be subject to such a court order, the institution may file with the court with notice to the counsel for the defendant, the defendant and the district attorney, a motion for a hearing, under the standard specified in s. 971.16 (2), on whether the defendant is not competent to refuse medication or treatment. A report on which the motion is based shall accompany the motion and notice of motion and shall include a statement signed by a licensed physician that asserts that the defendant needs medication or treatment and that the defendant is not competent to refuse medication or treatment, based on an examination of the defendant by a licensed physician. Within 10 days after a motion is filed under this subsection, the court without a jury shall determine the defendant's competency to refuse medication or treatment for the defendant's mental condition. At the request of the defendant, the defendant's counsel or the district attorney, the hearing may be postponed, but in no case may the postponed hearing be held more than 20 days after a motion is filed under this subsection. If the district attorney, the defendant and defense counsel waive their respective opportunities to present other evidence on the issue, the court shall determine the defendant's competency to refuse medication or treatment on the basis of the report accompanying the motion. In the absence of these waivers, the court shall hold an evidentiary hearing on the issue. Upon consent of all parties and approval by the

court for good cause shown, testimony may be received into the record of the hearing by telephone or live audiovisual means. If the state proves by evidence that is clear and convincing that the defendant is not competent to refuse medication or treatment, under the standard specified in s. 971.16 (2), the court shall make a determination without a jury and issue as part of the defendant's commitment order an order that the defendant is not competent to refuse medication or treatment for the defendant's mental condition and that whoever administers the medication or treatment to the defendant shall observe appropriate medical standards.

SECTION 2857. 971.24 (3) of the statutes is amended to read:

971.24 (3) Upon demand prior to trial or revocation hearing under s. ~~57.06~~ 304.06 (3) or 973.10 (2), the district attorney shall disclose to a defendant the existence of any videotaped oral statement of a child under s. 908.08 which is within the possession, custody or control of the state and shall make reasonable arrangements for the defendant and defense counsel to view the videotaped statement. If, subsequent to compliance with this subsection, the state obtains possession, custody or control of such a videotaped statement, the district attorney shall promptly notify the defendant of that fact and make reasonable arrangements for the defendant and defense counsel to view the videotaped statement.

SECTION 2858. 972.13 (2) of the statutes is amended to read:

972.13 (2) Except in cases where ch. 975 is applicable, upon a judgment of conviction the court shall ~~either impose or withhold sentence and, if the defendant is not fined or imprisoned, the defendant shall be placed on probation as provided in s. 973.09~~ proceed under ch. 973. The court may adjourn the case from time to time for the purpose of pronouncing sentence.

SECTION 2858c. 972.14 of the statutes is renumbered 972.14 (2) and amended to read:

972.14 (2) Before pronouncing sentence, the court shall ~~inquire of~~ ask the defendant why sentence should not be pronounced upon him or her and ~~accord~~ allow the district attorney, defense counsel and defendant an opportunity to make a statement with respect to any matter relevant to the sentence. In addition, if the defendant is under 21 years of age and if the court has not ordered a presentence investigation under s. 972.15, the court shall ask the defendant if he or she has been adjudged delinquent under ch. 48 or has had a similar adjudication in any other state in the 3 years immediately preceding the date the criminal complaint relating to the present offense was issued.

SECTION 2858d. 972.14 (1) of the statutes is created to read:

972.14 (1) In this section:

(a) "Family member" has the meaning specified in s. 950.02 (3).

(b) "Victim" has the meaning specified in s. 950.02 (4).

SECTION 2858e. 972.14 (3) of the statutes is created to read:

972.14 (3) (a) Before pronouncing sentence in a felony case, the court shall also allow a victim or family member of a homicide victim to make a statement or submit a written statement to be read in court. The court may allow any other person to make or submit a statement under this paragraph. Any statement under this paragraph must be relevant to the sentence.

(b) After a conviction in a felony case, if the district attorney knows of a victim or family member of a homicide or felony murder victim, the district attorney shall attempt to contact that person to inform him or her of the right to make or provide a statement under par. (a). The district attorney may mail a letter or form to comply with this paragraph. Any failure to comply with this paragraph is not a ground for an appeal of a judgment of conviction or for any court to reverse or modify a judgment of conviction.

SECTION 2859. 973.013 (2) of the statutes is amended to read:

973.013 (2) Upon the recommendation of the department, the governor may, without the procedure required by ch. ~~57~~ 304, discharge absolutely, or upon such conditions and restrictions and under such limitation as ~~he~~ the governor thinks proper, any inmate committed to the Wisconsin state prisons after ~~he or she~~ he or she has served the minimum term of punishment prescribed by law for the offense for which ~~he or she~~ he or she was sentenced, except that if the term was life imprisonment, 5 years must elapse after parole before such a recommendation can be made to the governor. ~~Such~~ The discharge shall have has the effect of an absolute or conditional pardon, respectively.

SECTION 2860. 973.013 (3m) of the statutes is amended to read:

973.013 (3m) If a person who has not attained the age of 16 years is sentenced to the Wisconsin state prisons, the department shall place the person at a secured juvenile correctional facility, unless the department determines that placement in an institution under s. ~~53.04~~ 302.01 is appropriate based on the person's prior record of adjustment in a correctional setting, if any; the person's present and potential vocational and educational needs, interests and abilities; the adequacy and suitability of available facilities; the services and procedures available for treatment of the person within the various institutions; the protection of the public; and any other considerations promulgated by the department by rule. This subsection does not preclude the department from designating an adult correctional institution as a reception center for the person and subsequently transferring the person to a secured juvenile correctional facility. Section ~~53.14~~ 302.11 and ch. ~~57~~ 304 apply to all persons placed in a secured juvenile correctional facility under this subsection.

SECTION 2861. 973.014 (1) of the statutes is amended to read:

973.014 (1) The person is eligible for parole under s. ~~57.06~~ 304.06 (1).

SECTION 2862. 973.014 (2) of the statutes is amended to read:

973.014 (2) The person is eligible for parole on a date set by the court. Under this subsection, the court may set any later date than that provided in s. ~~57.06~~ 304.06 (1), but may not set a date that occurs before the earliest possible parole eligibility date as calculated under s. ~~57.06~~ 304.06 (1).

SECTION 2863. 973.03 (1) of the statutes is amended to read:

973.03 (1) If at the time of passing sentence upon a defendant who is to be imprisoned in a county jail there is no jail in the county suitable for the defendant and no cooperative agreement under s. ~~53.44~~ 302.44, the court may sentence the defendant to any suitable county jail in the state. The expenses of supporting the defendant there shall be borne by the county in which the crime was committed.

SECTION 2864. 973.03 (3) (a) of the statutes is amended to read:

973.03 (3) (a) If a court sentences a defendant to imprisonment in the county jail, the court may provide that the defendant perform community service work under pars. (b) and (c). The defendant earns good time at a rate of one day for each 3 days of work performed. A day of work equals 8 hours of work performed. This good time is in addition to good time authorized under s. ~~53.43~~ 302.43.

SECTION 2865. 973.03 (3) (d) of the statutes is amended to read:

973.03 (3) (d) This subsection applies to persons who are sentenced to a county jail but are transferred to a Huber facility under s. ~~56.09~~ 303.09.

SECTION 2866. 973.035 of the statutes is amended to read:

973.035 Transfer to state-local shared correctional facilities. Any person serving a sentence of imprisonment to the Wisconsin state prisons, a county jail, a county reforestation camp or a county house of correction may be transferred to a state-local shared correctional facility under s. ~~53.45~~ 302.45 (1).

SECTION 2867. 973.045 (4) of the statutes is amended to read:

973.045 (4) If an inmate in a state prison or a person sentenced to a state prison has not paid the crime victim and witness assistance surcharge under this section, the department of health and social services shall assess and collect the amount owed from the inmate's wages or other moneys. Any amount collected shall be transmitted to the state treasurer.

Vetoed in Part SECTION 2867m. 973.05 (1) of the statutes is amended to read:

~~973.05 (1) When a defendant is sentenced to pay a fine, the court may grant permission for the payment of the fine, of the penalty assessment imposed by s. 165.87, the jail and detention facility assessment imposed by s. 53.46 (1), the crime victim and witness assistance surcharge under s. 973.045, any applicable drug abuse program improvement surcharge imposed by s. 161.41 (5), any applicable domestic abuse assessment imposed by s. 971.37 (1m) (c) 1 or 973.055, any applicable driver improvement surcharge imposed by s. 346.655, any applicable weapons assessment imposed by s. 167.31, any applicable natural resources assessment imposed by s. 29.997 and any applicable natural resources restitution payment imposed by s. 29.998 to be made within a period not to exceed 60 days. If no such permission is embodied in the sentence, the fine, the penalty assessment, the jail and detention facility assessment, the crime victim and witness assistance surcharge, any applicable drug abuse program improvement surcharge, any applicable domestic abuse assessment, any applicable driver improvement surcharge, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment shall be payable immediately.~~

~~SECTION 2868. 973.05 (1) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is amended to read:~~

~~973.05 (1) When a defendant is sentenced to pay a fine, the court may grant permission for the payment of the fine, of the penalty assessment imposed by s. 165.87, the jail and detention facility assessment imposed by s. 53.46 302.46 (1), the crime victim and witness assistance surcharge under s. 973.045, any applicable drug abuse program improvement surcharge imposed by s. 161.41 (5), any applicable domestic abuse assessment imposed by s. 971.37 (1m) (c) 1 or 973.055, any applicable driver improvement surcharge imposed by s. 346.655, any applicable weapons assessment imposed by s. 167.31, any applicable natural resources assessment imposed by s. 29.997 and any applicable natural resources restitution payment imposed by s. 29.998 to be made within a period not to exceed 60 days. If no such permission is embodied in the sentence, the fine, the penalty assessment, the jail and detention facility assessment, the crime victim and witness assistance surcharge, any applicable drug abuse program improvement surcharge, any applicable domestic abuse assessment, any applicable driver improvement surcharge, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment shall be payable immediately.~~

~~SECTION 2868m. 973.05 (2) of the statutes is amended to read:~~

~~973.05 (2) When a defendant is sentenced to pay a fine and is also placed on probation, the court may make the payment of the fine, the penalty assessment,~~

Vetoed in Part

Vetoed
in Part

~~the jail and detention facility assessment, the crime victim and witness assistance surcharge, any applicable drug abuse program improvement surcharge, any applicable domestic abuse assessment, any applicable driver improvement surcharge, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payments a condition of probation. When the payments are made a condition of probation by the court, payments thereon shall be applied first to payment of the penalty assessment until paid in full, shall then be applied to the payment of the jail and detention facility assessment until paid in full, shall then be applied to the payment of the crime victim and witness assistance surcharge until paid in full, shall then be applied to the drug abuse improvement surcharge until paid in full, shall then be applied to payment of the driver improvement surcharge until paid in full, shall then be applied to payment of the domestic abuse assessment until paid in full, shall then be applied to payment of the natural resources assessment if applicable until paid in full, shall then be applied to payment of the natural resources restitution payment until paid in full, shall then be applied to payment of the weapons assessment until paid in full and shall then be applied to payment of the fine.~~

~~SECTION 2868p. 973.055 (1) of the statutes is amended to read:~~

~~973.055 (1) On or after May 1, 1980, if a court imposes a fine, the court shall determine whether this subsection is applicable. If the court finds that the criminal conduct involved domestic abuse, as defined in s. 46.95 (1) (a), or that the fine was imposed under s. 813.12 (8), it shall impose a domestic abuse assessment, in addition to the fine, penalty assessment and jail and detention facility assessment, of \$50 for each offense.~~

~~SECTION 2869. 973.055 (3) of the statutes is amended to read:~~

~~973.055 (3) All moneys collected from domestic abuse assessments shall be deposited by the state treasurer in s. 20.435 (4) (7) (hh) and utilized in accordance with s. 46.95.~~

~~SECTION 2869m. 973.07 of the statutes is amended to read:~~

Vetoed
in Part

~~973.07 Failure to pay fine or costs. If the fine, costs, penalty assessment, jail and detention facility assessment, crime victim and witness assistance surcharge, applicable drug abuse program improvement surcharge, applicable domestic abuse assessment, applicable driver improvement surcharge, applicable weapons assessment, applicable natural resources assessment and applicable natural resources restitution payments are not paid as required by the sentence, the defendant may be committed to the county jail until the fine, costs, penalty assessment, jail and detention facility assessment, crime victim and witness assistance surcharge, applicable drug abuse program improvement surcharge, applicable domestic abuse~~

~~assessment, applicable driver improvement surcharge, applicable weapons assessment, applicable natural resources assessment or applicable natural resources restitution payments are paid or discharged for a period fixed by the court not to exceed 6 months.~~

Vetoed
in Part

SECTION 2870. 973.09 (4) of the statutes is amended to read:

973.09 (4) The court may also require as a condition of probation that the probationer be confined during such period of the term of probation as the court prescribes, but not to exceed one year. The court may grant the privilege of leaving the county jail or Huber facility during the hours or periods of employment or other activity under s. 56.08 303.08 (1) (a) to (e) while confined under this subsection. The court may specify the necessary and reasonable hours or periods during which the probationer may leave the jail or Huber facility or the court may delegate that authority to the sheriff. In those counties without a Huber facility under s. 56.09 303.09, the probationer shall be confined in the county jail. In those counties with a Huber facility under s. 56.09 303.09, the sheriff shall determine whether confinement under this subsection is to be in that facility or in the county jail. The sheriff may transfer persons confined under this subsection between a Huber facility and the county jail. While subject to this subsection, the probationer is subject to s. 56.08 303.08 (1), (3) to (6), (8) to (12) and (14), all the rules of the jail or Huber facility and the discipline of the sheriff.

SECTION 2871. 973.10 (2) (intro.) of the statutes is amended to read:

973.10 (2) (intro.) If a probationer violates the conditions of probation, the department of corrections may initiate a proceeding before the division of corrections hearings in the department of administration. Unless waived by the probationer, a hearing examiner for the division shall conduct an administrative hearing and enter an order either revoking or not revoking probation. Upon request of either party, the administrator of the division shall review the order. If the probationer waives the final administrative hearing, the secretary of corrections shall enter an order either revoking or not revoking probation. If probation is revoked, the department shall:

SECTION 2872. 973.10 (3) of the statutes is amended to read:

973.10 (3) A copy of the order of the department shall be of corrections in the case of a waiver or the division of corrections hearings in the department of administration in the case of a final administrative hearing is sufficient authority for the officer executing it to take the probationer to court or to prison. The officer shall execute the order as a warrant for arrest but any officer may, without order or warrant, take the probationer into custody whenever necessary in order to prevent escape or enforce discipline or for violation of probation.

SECTION 2873. 973.10 (4) of the statutes is amended to read:

973.10 (4) The ~~department~~ division of corrections hearings in the department of administration shall make either an electronic or stenographic record of all testimony at each probation revocation hearing. The ~~department~~ division shall prepare a written transcript of the testimony only at the request of a judge who has granted a petition for judicial review of the revocation decision. Each hearing notice shall include notice of the provisions of this subsection and a statement that any person who wants a written transcript may record the hearing at his or her own expense.

SECTION 2874. 973.14 (1) of the statutes is amended to read:

973.14 (1) In addition to the authority in ss. ~~53.18 and 56.18~~ 302.18 and 303.18, prisoners sentenced to a county jail may be transferred by the sheriff to a house of correction without court approval.

SECTION 2875. 973.14 (3) of the statutes is amended to read:

973.14 (3) A prisoner sentenced to a county jail or the house of correction being held in a county jail awaiting trial on another charge shall be deemed to be serving ~~such~~ the county jail or house of correction sentence and shall be given credit on ~~such~~ the sentence as provided in s. ~~53.43 or 56.19~~ 302.43 or 303.19.

SECTION 2876. 973.15 (6) of the statutes is amended to read:

973.15 (6) Sections ~~53.11 and 57.06~~ 302.11 and 304.06 are applicable to an inmate serving a sentence to the Wisconsin state prisons but confined in a federal institution or an institution in another state.

SECTION 2877. 973.155 (1) (b) of the statutes is amended to read:

973.155 (1) (b) The categories in par. (a) include custody of the convicted offender which is in whole or in part the result of a probation or parole hold under s. ~~57.06~~ 304.06 (3) or 973.10 (2) placed upon the person for the same course of conduct as that resulting in the new conviction.

SECTION 2878. 973.155 (2) of the statutes is amended to read:

973.155 (2) After the imposition of sentence, the court shall make and enter a specific finding of the number of days for which sentence credit is to be granted, which finding shall be included in the judgment of conviction. In the case of revocation of probation or parole, the department, if the hearing is waived, or the division of corrections hearings in the department of administration, in the case of a hearing, shall make such a finding, which shall be included in the revocation order.

SECTION 2879. 973.155 (4) of the statutes is amended to read:

973.155 (4) The credit provided in sub. (1) shall include earned good time for those inmates subject to

s. ~~53.43, 56.07 (3) or 56.19~~ 302.43, 303.07 (3) or 303.19 (3) serving sentences of one year or less and confined in a county jail, house of correction or county reforestation camp.

SECTION 2880. 973.20 (7) of the statutes is amended to read:

973.20 (7) If the court orders that restitution be paid to more than one person, the court may direct the sequence in which payments are to be transferred under sub. (11) (a). If more than one defendant is ordered to make payments to the same person, the court may apportion liability between the defendants or specify joint and several liability. If the court specifies that 2 or more defendants are jointly and severably liable, the department of corrections or the clerk to whom payments are made under sub. (11) (a) shall distribute any overpayments so that each defendant, as closely as possible, pays the same proportion of the ordered restitution.

SECTION 2881. 973.20 (11) (a) of the statutes is amended to read:

973.20 (11) (a) Except as otherwise provided in this paragraph, the restitution order shall require the defendant to deliver the amount of money or property due as restitution to the department of ~~health and social services~~ corrections for transfer to the victim or other person to be compensated by a restitution order under this section. If the defendant is not placed on probation or sentenced to prison, the court may order that restitution be paid to the clerk of court for transfer to the appropriate person. The court shall require the defendant to pay a surcharge equal to 5% of the total amount of any restitution, costs and attorney fees and any fines and related payments ordered under s. 973.05 (1) to the department or clerk of court for administrative expenses under this section.

SECTION 2882. 973.20 (11) (b) of the statutes is amended to read:

973.20 (11) (b) The department of corrections shall establish a separate account for each person in its custody or under its supervision ordered to make restitution for the collection and disbursement of funds. A portion of each payment constitutes the surcharge for administrative expenses under par. (a).

SECTION 2883. 973.20 (12) (c) of the statutes is amended to read:

973.20 (12) (c) If a defendant is subject to more than one order under this section and the financial obligations under any order total \$50 or less, the department of corrections or the clerk of court, whichever is applicable under sub. (11) (a), may pay these obligations first.

SECTION 2884. 973.20 (13) (b) of the statutes is amended to read:

973.20 (13) (b) The district attorney shall attempt to obtain from the victim prior to sentencing information pertaining to the factor specified in par. (a) 1. Law enforcement agencies, the department of ~~health~~

~~and social services~~ corrections and any agency providing services under ch. 950 shall extend full cooperation and assistance to the district attorney in discharging this responsibility. The department of justice shall provide technical assistance to district attorneys in this regard and develop model forms and procedures for collecting and documenting this information.

SECTION 2885. 975.001 of the statutes is created to read:

975.001 Definition. In this chapter, "department" means the department of health and social services.

SECTION 2885m. 975.06 (7) of the statutes is created to read:

975.06 (7) If the defendant is not subject to a court order determining the defendant to be not competent to refuse medication or treatment for the defendant's mental condition and if the facility to which the defendant is conveyed under sub. (2) determines that the defendant should be subject to such a court order, the facility may file with the court with notice to the counsel for the defendant, the defendant and the district attorney, a motion for a hearing, under the standard specified in s. 51.61 (1) (g) 4, on whether the defendant is not competent to refuse medication or treatment. A report on which the motion is based shall accompany the motion and notice of motion and shall include a statement signed by a licensed physician that asserts that the defendant needs medication or treatment and that the defendant is not competent to refuse medication or treatment, based on an examination of the defendant by a licensed physician. Within 10 days after a motion is filed under this subsection, the court without a jury shall determine the defendant's competency to refuse medication or treatment for the defendant's mental condition. At the request of the defendant, the defendant's counsel or the district attorney, the hearing may be postponed, but in no case may the postponed hearing be held more than 20 days after a motion is filed under this subsection. If the district attorney, the defendant and defense counsel waive their respective opportunities to present other evidence on the issue, the court shall determine without a jury the defendant's competency to refuse medication or treatment on the basis of the report accompanying the motion. In the absence of these waivers, the court shall hold an evidentiary hearing on the issue. Upon consent of all parties and approval by the court for good cause shown, testimony may be received into the record of the hearing by telephone or live audiovisual means. If the state proves by evidence that is clear and convincing that the defendant is not competent to refuse medication or treatment, under the standard specified in s. 51.61 (1) (g) 4, the court shall make a determination and issue as part of the defendant's commitment order an order that the defendant is not competent to refuse medication or treatment for the defendant's mental condition and that whoever administers the medication or treatment to the defendant shall observe appropriate medical standards.

SECTION 2886. 975.08 (2) of the statutes is amended to read:

975.08 (2) The department shall then arrange for ~~his~~ the person's treatment in the institution best suited in its judgment to care for him or her. It may transfer him or her to or from any institution, including any correctional institution listed under s. ~~53.04~~ 302.01, to provide for him ~~according to his or her~~ according to his or her needs and to protect the public. The department may irrespective of ~~his~~ the person's consent require ~~participation by him or her to participate~~ participation by him or her to participate in vocational, physical, educational and correctional training and activities; may require such modes of life and conduct as seem best adapted to fit him or her for return to full liberty without danger to the public; and may make use of other methods of treatment and any treatment conducive to the correction of the person and to the prevention of future violations of law by him or her.

SECTION 2887. 975.10 of the statutes is amended to read:

975.10 Parole. Any person committed as provided in this chapter may be paroled if it appears to the satisfaction of the department of health and social services after recommendation by a special review board, appointed by the department, a majority of whose members shall not be connected with the department, that the person is capable of making an acceptable adjustment in society. Before a person is released on parole under this section, the department of health and social services shall so notify the municipal police department and county sheriff for the area where the person will be residing. The notification requirement does not apply if a municipal department or county sheriff submits to the department of health and social services a written statement waiving the right to be notified. Probation and parole agents of the department of corrections shall supervise persons paroled under this section.

SECTION 2888. 975.12 (2) of the statutes is amended to read:

975.12 (2) All commitments under s. 975.06 for offenses committed after July 1, 1970, shall be subject to ss. ~~53.11 and 53.12~~ 302.11 and 302.12. If the department is of the opinion that release on parole under s. 53.11 (7) (a), 1981 stats., would be dangerous to the public, it shall petition for civil commitment under s. 51.20.

SECTION 2889. 976.03 (23) (b) of the statutes is amended to read:

976.03 (23) (b) When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of his or her bail, probation or parole, the prosecuting attorney of the county in which the offense was committed, the secretary of ~~health and social services~~ corrections, or the warden of the institution or sheriff of the county from which escape was made, shall present to the governor a written application for a requisition for the return of such

the person, in which application shall be stated the name of the person, the crime of which ~~he~~ the person was convicted, the circumstances of ~~his~~ escape from confinement or of the breach of the terms of ~~his~~ bail, probation or parole, and the state in which he the person is believed to be, including the location of the person therein at the time application is made.

SECTION 2890. 976.03 (23) (c) of the statutes is amended to read:

976.03 (23) (c) The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by 2 certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to a judge, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The prosecuting officer, parole ~~board~~ commission, warden or sheriff may also attach such further affidavits and other documents in duplicate as ~~he shall deem~~ he, she or it deems proper to be submitted with ~~such~~ the application. One copy of the application, with the action of the governor indicated by ~~indorsement~~ endorsement thereon, and one of the certified copies of the indictment, complaint, information and affidavits, or of the judgment of conviction or of the sentence shall be filed in the office of the governor to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition.

SECTION 2891. 976.05 (10) (b) of the statutes is amended to read:

976.05 (10) (b) "Department" means the department of ~~health and social services~~ corrections.

SECTION 2892. 976.05 (10) (c) of the statutes is amended to read:

976.05 (10) (c) "Good time" includes time credit under s. ~~53.11~~ 302.11.

SECTION 2893. 976.05 (14) of the statutes is amended to read:

976.05 (14) The department shall give over the person of any inmate of any penal or correctional institution under its jurisdiction whenever so required by the operation of the agreement on detainers. The central administrator of and information agent for the agreement on detainers shall be the ~~administrator~~ secretary of the division of corrections of the department.

SECTION 2893g. 977.02 (7r) (a) (intro.) of the statutes is amended to read:

977.02 (7r) (a) (intro.) Promulgate rules to ~~reduce~~ allow the reduction of payment rates under s. 977.08 (4m) for ~~either or both~~ any of the following:

SECTION 2897. 977.05 (5) (e) of the statutes is created to read:

977.05 (5) (e) Sponsor conferences and training for attorneys and may charge tuition for attendance at the conferences and training. All moneys received shall be deposited in s. 20.550 (1) (i).

SECTION 2899m. 977.085 (1) (a) of the statutes is amended to read:

977.085 (1) (a) Private bar ~~and staff case load loads~~ at the trial and appellate levels and ~~expenditure~~ expenditures of moneys under s. 20.550 (1) (b) to (d) for the current fiscal year.

SECTION 2899p. 977.085 (1) (b) of the statutes is amended to read:

977.085 (1) (b) Projections for the private bar ~~and staff case load loads~~ at the trial and appellate levels and ~~expenditure~~ for expenditures of moneys under s. 20.550 (1) (b) to (d) for the remainder of the current fiscal year and ~~biennium~~ for the next fiscal year.

SECTION 2899r. 977.085 (1m) of the statutes is created to read:

977.085 (1m) The projections under sub. (1) (b) shall include the number of cases projected to be assigned to the private bar and the number of cases for which reimbursement will be made under s. 20.550 (1) (d).

SECTION 2899t. 977.085 (2) (a) of the statutes is amended to read:

977.085 (2) (a) Agency actions, including whether the reduced payment rates established by rules promulgated under s. 977.02 (7r) (a) will be put into effect.

SECTION 2900. Chapter 978 of the statutes is created to read:

CHAPTER 978

DISTRICT ATTORNEYS

978.001 Definitions. In this chapter:

(1) "Prosecution system" means all of the prosecutorial units.

(2) "Prosecutorial unit" means a prosecutorial unit described in s. 978.01 (1).

978.01 Number of district attorneys; election; term.

(1) There shall be 71 district attorneys elected for full terms at the general election held in each even-numbered year. The regular term of office for each district attorney is 2 years, commencing on the first Monday of January next succeeding his or her election. Each county is a prosecutorial unit and shall elect a district attorney, except that Shawano and Menominee counties form one 2-county prosecutorial unit and shall elect a single district attorney by the combined electorate of the 2 counties.

(2) (a) Except as provided in par. (b), each district attorney serves on a full-time basis.

(b) A district attorney serves on a part-time basis if his or her prosecutorial unit consists of Buffalo, Calumet, Florence, Forest, Green Lake, Pepin, Richland, Rusk, Trempealeau or Vernon county.

978.02 Eligibility for office. No person is eligible to hold the office of district attorney unless he or she is licensed to practice law in this state and resides in the prosecutorial unit from which he or she was elected.

978.03 Deputies and assistants in certain prosecutorial units. (1) The district attorney of any prosecutorial unit having a population of 200,000 or more may appoint 3 deputy district attorneys and such assistant district attorneys as may be requested by the department of administration and authorized in accordance with s. 16.505. The district attorney shall rank the deputy district attorneys for purposes of carrying out duties under this section. The deputies, according to rank, may perform any duty of the district attorney, under the district attorney's direction. In the absence or disability of the district attorney, the deputies, according to rank, may perform any act required by law to be performed by the district attorney. Any such deputy must have practiced law in this state for at least 2 years prior to appointment under this section.

(2) The district attorney of any prosecutorial unit having a population of 100,000 or more but not more than 199,999 may appoint one deputy district attorney and such assistant district attorneys as may be requested by the department of administration and authorized in accordance with s. 16.505. The deputy may perform any duty of the district attorney, under the district attorney's direction. In the absence or disability of the district attorney, the deputy may perform any act required by law to be performed by the district attorney. The deputy must have practiced law in this state for at least 2 years prior to appointment under this section.

(3) Any assistant district attorney under sub. (1) or (2) must be an attorney admitted to practice law in this state and may perform any duty required by law to be performed by the district attorney. The district attorney of the prosecutorial unit under sub. (1) or (2) may appoint such temporary counsel as may be authorized by the department of administration.

978.04 Assistants in certain prosecutorial units. The district attorney of any prosecutorial unit having a population of less than 100,000 may appoint one or more assistant district attorneys as necessary to carry out the duties of his or her office and as may be requested by the department of administration authorized in accordance with s. 16.505. Any such assistant district attorney must be an attorney admitted to practice law in this state and may perform any duty required by law to be performed by the district attorney.

978.05 Duties of the district attorney. The district attorney shall:

(1) **CRIMINAL ACTIONS.** Except as otherwise provided by law, prosecute all criminal actions before any court within his or her prosecutorial unit.

(2) **FORFEITURES.** Except as otherwise provided by law, prosecute all state forfeiture actions, county traffic actions and actions concerning violations of county ordinances which are in conformity with state criminal laws in the courts within his or her prosecutorial unit.

(3) **JOHN DOE PROCEEDINGS.** Participate in investigatory proceedings under s. 968.26.

(4) **GRAND JURY.** When requested by a grand jury under s. 756.15, attend the grand jury for the purpose of examining witnesses in their presence; give the grand jury advice in any legal matter; draw bills of indictment; and issue subpoenas and other processes to compel the attendance of witnesses.

(5) **CRIMINAL APPEALS.** Upon the request and under the supervision and direction of the attorney general, brief and argue all criminal cases brought by appeal or writ of error or certified from a county within his or her prosecutorial unit to the court of appeals or supreme court. The district attorney for the prosecutorial unit in which the case was filed shall represent the state in any appeal or other proceeding if the case is decided by a single court of appeals judge, as specified in s. 752.31 (3).

(6) **CIVIL ACTIONS OR SPECIAL PROCEEDINGS.** (a) Institute, commence or appear in all civil actions or special proceedings under and perform the duties set forth for the district attorney under ss. 17.14, 30.03 (2), 48.09 (1), (2) and (5), 48.18, 48.355 (6) (b), 59.073, 59.77, 69.07 (3), 70.36, 103.50 (8), 103.92 (4), 109.09, 161.55 (5), 180.847 (3m) (b), 343.305 (9) (a), 453.08, 806.05, 946.86, 946.87, 971.14 and 973.075 to 973.077, perform any duties in connection with court proceedings in a court assigned to exercise jurisdiction under ch. 48 as the judge may request and perform all appropriate duties and appear if the district attorney is designated in specific statutes, including matters within chs. 782, 976 and 979 and ss. 51.81 to 51.85.

(b) Enforce the provisions of all general orders of the department of industry, labor and human relations relating to the sale, transportation and storage of explosives.

(7) **ACTIONS TRANSFERRED TO ANOTHER COUNTY.** If the place of trial is changed in any action or proceeding under this section to another county within or outside his or her prosecutorial unit, prosecute or defend the action or proceeding in that county.

(8) **ADMINISTRATION.** (a) Establish such offices throughout the prosecutorial unit as are necessary to carry out the duties of the office of district attorney.

(b) Supervise his or her staff and make appropriate assignments of the staff throughout the prosecutorial unit. The district attorney may request the assistance of district attorneys or assistant district attorneys from other prosecutorial units who then may appear and assist in the prosecution of criminal matters in like manner as assistants in the prosecutorial unit and with the same authority as the district attorney in the unit in which the action is brought.

(c) Supervise all expenditures of the district attorney's office.

(9) **BUDGET.** Prepare a biennial budget request for submission to the department of justice under s. 978.11 (1) by September 1 of each even-numbered year.

Vetoed
in Part

978.06 Restriction on district attorney. (1) No district attorney may receive any fee or reward from or on behalf of any prosecutor or any other individual for services in any prosecution or business to which it is the district attorney's official duty to attend.

(2) No district attorney may be concerned as attorney or counsel for either party, other than for the state or county, in any civil action depending upon the same state of facts upon which any criminal prosecution commenced but undetermined depends.

(3) No district attorney while in office may hold any judicial office. No full-time district attorney may hold the office of or act as corporation counsel or city, village or town attorney. A part-time district attorney may hold the office of or act as corporation counsel or city, village or town attorney or otherwise serve as legal counsel to any governmental unit.

(4) No person who acted as district attorney, assistant district attorney or special district attorney for a county at the time of an arrest, examination or indictment of any person charged with a crime in that county may thereafter appear for, or defend that person against the crime charged in the complaint, information or indictment.

(5) No deputy district attorney, assistant district attorney or full-time district attorney may engage in a private practice of law, but he or she is authorized to complete all civil cases, not in conflict with the interest of the county or counties of his or her prosecutorial unit, in which he or she is counsel, pending in court before he or she takes office. A part-time district attorney may engage in a private practice of law.

(6) No district attorney, deputy district attorney or assistant district attorney may appear in civil actions or proceedings under ss. 46.25 (7), 59.07 (97), 767.075, 767.08, 767.45 and 767.65.

978.11 Budget and transition. (1) **BUDGET.** The department of administration shall prepare the budget of the prosecution system and submit it in accordance with s. 16.42.

(2) **TRANSITION; SUPPORT ENFORCEMENT.** (a) To respond to exceptional circumstances in the transitional period, beginning January 1, 1990, and ending December 31, 1990, in which a county may require assistance in the operation of its support enforcement functions, the department of administration shall authorize assistant district attorneys with support enforcement experience to assist the county in training and overseeing any attorneys responsible for support enforcement under s. 59.458 (1). An assistant district attorney shall provide the assistance upon the authorization of the department of administration.

(b) Paragraph (a) does not apply after December 31, 1990.

978.12 Salaries and benefits of district attorney and state employees in office of district attorney. (1) **SALARIES.** (a) *District attorneys.* District attorneys shall be compensated based on the following percentages of

the dollar value of the midpoint of the salary range for executive salary group 6, as determined under s. 20.923 (1), except that no district attorney may receive a salary that is greater than the salary established for the attorney general under s. 20.923 (2):

1. For prosecutorial units having a population of more than 500,000, 114%.

2. For prosecutorial units having a population of more than 250,000 but not more than 500,000, 95%.

3. For prosecutorial units having a population of more than 100,000 but not more than 250,000, 90%.

4. For prosecutorial units having a population of more than 75,000 but not more than 100,000, 85%.

5. For prosecutorial units having a population of more than 50,000 but not more than 75,000, 80%.

6. For prosecutorial units having a population of more than 35,000 but not more than 50,000, 75%.

7. For prosecutorial units having a population of more than 25,000 but not more than 35,000, 70%.

8. For prosecutorial units having a population of more than 15,000 but not more than 25,000, 65%.

9. For prosecutorial units having a population of not more than 15,000, 60%.

(b) *Deputy district attorneys.* Deputy district attorneys shall be employed outside the classified service. The state shall pay a salary to deputy district attorneys which shall not exceed the maximum of any pay range to which assistant district attorney positions are assigned, except that a deputy district attorney may receive additional compensation for supervisory duties in accordance with supplementary provisions for supervisory and managerial employees in the state compensation plan.

(c) *Assistant district attorneys.* Assistant district attorneys shall be employed outside the classified service. For purposes of salary administration, the secretary of employment relations shall establish one or more classifications for assistant district attorneys in accordance with the classification or classifications allocated to assistant attorneys general. Except as provided in s. 111.93 (3), the salaries of assistant district attorneys shall be established and adjusted in accordance with the state compensation plan for assistant attorneys general whose positions are allocated to the classification or classifications established by the secretary of employment relations.

(2) **STATE SENIORITY.** A county employee who is transferred to state employment under 1989 Wisconsin Act (this act) shall have his or her seniority with the state computed by treating the employee's total service with any county in the position of district attorney, deputy district attorney or assistant district attorney as state service.

(3) **SICK LEAVE.** A county employee who is transferred to state employment under 1989 Wisconsin Act (this act) shall have his or her sick leave accrued with the state computed by treating the employee's unused balance of sick leave accrued with the county

by which the employee was most recently employed in the position or positions of district attorney, deputy district attorney or assistant district attorney as sick leave accrued in state service, but not to exceed the amount of sick leave the employee would have accrued in state service for the same period, if the employee is able to provide adequate documentation in accounting for sick leave used during the accrual period with the county. If there is a formal plan of sick leave in county service but no adequate documentation in accounting, the employee shall have his or her sick leave accrued with the state computed on the basis of the employee's total service times one-half the rate for accrued of sick leave in state service. Sick leave which transfers under this subsection is not subject to a right of conversion, under s. 40.05 (4) or otherwise; upon death or termination of creditable service for payment of health insurance benefits on behalf of the employee or the employee's dependents.

(4) **ANNUAL LEAVE.** Annual leave for the district attorney and state employees of the office of district attorney shall be accrued at the rate provided in s. 230.35 using the employee's state service computed under sub. (2). Annual leave shall be earned on a calendar year basis prorated from the effective date of the employee's transfer for the balance of the calendar year.

(5) **RETIREMENT.** (a) *Definition.* In this subsection, "required employer contribution rate" means the total amount paid to the Wisconsin retirement fund for similar participants, including actuarially determined current costs, any prior service amortization costs and any amount of employee contributions presently paid by the employer. These required employer contribution rates are subject to annual redetermination by the actuaries of the respective retirement systems; however, the contribution rates for elected public officials and other employees shall be determined separately when the calculations are actuarially available from the Wisconsin retirement system and adopted by the employee trust funds board and other respective retirement systems.

(b) *Employees generally.* District attorneys and state employees of the office of district attorney shall be included within the provisions of the Wisconsin retirement system under ch. 40 as a participating employee of that office, except that the district attorney and state employees of the office of the Milwaukee county district attorney have the option provided under par. (c).

(c) *Milwaukee county district attorney employees.* The Milwaukee county district attorney and state employees of the office of the Milwaukee county district attorney shall have the option of continuing as participants in the retirement system established under chapter 201, laws of 1937, as follows:

1. The salaries authorized under this section for the district attorney and the state employees of the office of district attorney shall be paid by the state treasurer to the county treasurer pursuant to a voucher submitted

by the district attorney to the department of administration. The county treasurer shall pay the amounts directly to the district attorney and state employees of the office of district attorney and the amounts paid shall be subject to the retirement system established under chapter 201, laws of 1937.

2. The state shall pay to the county treasurer in the manner specified in subd. 1 on behalf of the district attorney and state employees of the office of the district attorney the required employer contribution rate as provided under ch. 40 or the required employer contribution rate under chapter 201, laws of 1937, whichever rate is less. The county shall pay any portion of the required employer contribution rate not covered by the state payment. For future retirement benefits, the district attorney and state employees of the office of district attorney shall be given the same consideration as other elected county officials and county employees under the county's retirement system.

3. The option under this paragraph to remain under a county program shall be exercised in writing, on forms provided by the department of administration, not later than March 1, 1990, and the action shall apply retrospectively to January 1, 1990.

4. If the district attorney or a state employee of the office of district attorney does not elect to continue as a participant in the retirement system established under chapter 201, laws of 1937, he or she may not receive retirement benefits under that system during his or her employment with the state.

(6) **OTHER FRINGE BENEFITS.** District attorneys and state employees in the office of district attorney shall be included within all insurance and deferred compensation benefits of ch. 40, as eligible employees of that office, except as authorized in this subsection. An employee of the office of district attorney who was employed in that office as a county employee on the day prior to the effective date of this subsection [revisor inserts date], and who received any form of fringe benefits other than retirement as a county employee, as defined by that county pursuant to the county's personnel policies, or pursuant to a collective bargaining agreement in effect on the effective date of this subsection [revisor inserts date], or the most recent collective bargaining agreement covering represented employees who are not covered by such an agreement, may elect to continue to be covered under all such fringe benefit plans provided by the county after becoming a state employee. An employee may make an election under this subsection no later than the 30th day commencing after the effective date of this subsection [revisor inserts date], except that an employee who serves as an assistant district attorney in a county having a population of 500,000 or more may make an election under this subsection no later than March 1, 1990. An election under this subsection shall be for the duration of the employee's employment in the office of district attorney for the same county by which the employee was employed or until the employee terminates the election under this subsection, at the

same cost to the county as the county incurs for a similarly situated county employee. If the employer's cost for such fringe benefits for any such employee is less than or equal to the cost for comparable coverage under ch. 40, if any, the state shall reimburse the county for that cost. If the employer's cost for such fringe benefits for any such employee is greater than the cost for comparable coverage under ch. 40, the state shall reimburse the county for the cost of comparable coverage under ch. 40 and the county shall pay the remainder of the cost. An employee who makes the election under this subsection may terminate that election, and shall then be included within all insurance and deferred compensation benefits of ch. 40, except that the department of employee trust funds may require prior written notice, not exceeding one year's duration, of an employee's intent to be included under any benefit plan under ch. 40.

978.13 Operational expenses of district attorney offices. (1) Except for expenses under sub. (2), the state shall assume financial responsibility for all necessary expenses relating to the operation of district attorney offices in the state.

(2) Each county in a district attorney's prosecutorial unit shall provide all of the following:

(a) Adequate office space in or near the county courthouse for district attorney operations in the county.

(b) The necessary maintenance services for the upkeep and repair of the office space.

(c) Necessary utilities for the office space.

(d) A sufficient law library and subscriptions to legal books and publications necessary for the performance of the duties of the district attorney. Books and publications under this paragraph shall remain assets and property of the county.

(e) Adequate investigators and clerical staff subject to the approval and supervision of the district attorney.

(f) Office equipment and supplies.

978.14 County transition payments. (1) For the period beginning January 1, 1990, and ending December 31, 1992, counties shall make payments to the state as part of a transition toward state assumption of costs relating to the prosecution system. As a basis for those payments, the department of administration shall determine the monthly amount that each county pays as of December 31, 1989, for salaries and fringe benefits, associated with county positions relating to the prosecution system that become state positions under 1989 Wisconsin Act (this act).

(2) Each county shall make the following payments to the state treasurer for deposit under s. 20.475 (1) (g):

(a) For calendar year 1990, 9 times its monthly amount. The county shall make at least 50% of the payment before July 1, 1990, and the balance of the payment before January 1, 1991.

(b) For calendar year 1991, 6 times its monthly amount. The county shall make at least 50% of the payment before July 1, 1991, and the balance of the payment before January 1, 1992.

(c) For calendar year 1992, 3 times its monthly amount. The county shall make at least 50% of the payment before July 1, 1992, and the balance of the payment before January 1, 1993.

(3) Upon request, counties shall provide the department of administration with information necessary to implement this section. If a county fails to make a required payment under sub. (2), the department may withhold any aid payment to the county. The aid withheld may not exceed the amount the county owes the state under sub. (2).

SECTION 2900c. 978.01 (2) (b) of the statutes, as created by 1989 Wisconsin Act (this act), is amended to read:

978.01 (2) (b) A district attorney serves on a part-time basis if his or her prosecutorial unit consists of Buffalo, ~~Calumet~~, Florence, Forest, Green Lake, Pepin, Richland, Rusk, Trempealeau or Vernon county.

SECTION 2900g. 985.03 (1) (a) (intro.) of the statutes is amended to read:

985.03 (1) (a) (intro.) No publisher of any newspaper in this state shall be awarded or be entitled to any compensation or fee for the publishing of any legal notice unless, for at least 2 of the 5 years immediately before the date of the notice publication, the newspaper has been published regularly and continuously in the city, village or town where published, and has had a bona fide paid circulation:

SECTION 2900m. 992.19 of the statutes is created to read:

992.19 Cooperative educational service agency debts validated. Any long-term debt incurred by the board of control of a cooperative educational service agency prior to April 15, 1989, for the purpose of purchasing real property under s. 116.055 is declared to be a legal, valid and binding debt of the agency, notwithstanding the lack of authority of the agency to incur such debt.

SECTION 2901m. 1985 Wisconsin Act 56, section 45 is repealed.

SECTION 2902. 1985 Wisconsin Act 318, section 16 is repealed.

SECTION 2902d. 1987 Wisconsin Act 27, section 3008 (15m) is repealed.

SECTION 2903. 1987 Wisconsin Act 27, section 3024 (4) (intro.) and (a) to (bn) are renumbered 46.26 (7) (intro.) and (a) to (bn) of the statutes, and 46.26 (7) (intro.), (a), (b) 1 to 3 and (bn), as renumbered, are amended to read:

46.26 (7) (title) **ALLOCATIONS OF FUNDS.** (intro.) Within the limits of the availability of federal funds and of the appropriations under section s. 20.435 (4) (7) (cd) and (oo) of the statutes, as affected by this act, the department of health and social services shall allo-

cate funds for community youth and family aids for the period beginning July 1, 1987 1989, and ending June 30, 1989 1991, as provided in this subsection to county departments under sections ss. 46.215, 46.22 and 46.23 of the statutes as follows:

(a) For community youth and family aids under this section 46.26 of the statutes, as affected by this act, amounts not to exceed \$17,745,900 \$30,849,900 for the last 6 months of 1987, \$35,491,800 for 1988 1989, \$61,699,800 for 1990 and \$30,849,900 for the first 6 months of 1991.

(b) 1. For an adjustment to compensate selected counties, amounts not to exceed \$3,991,000 for the last 6 months of 1987 and \$3,991,000 1989, \$4,437,200 for 1988 1990 and \$583,500 for the first 6 months of 1991.

2. To determine eligibility for payments under this paragraph for fiscal year 1987-88 1989-90, the department shall determine a percentage for each county by dividing the combined number of 1984 1986 and 1985 1987 assaultive and total Part I juvenile arrests in a county by the population of that county under 18 years of age. A county having a percentage exceeding 3.5% is eligible to receive these payments.

3. To determine eligibility for payments under this paragraph for fiscal year 1988-89 1990-91, the department shall determine a percentage for each county by using the procedure under subdivision subd. 2, updating the arrest data to reflect current statistics, if available. A county having a percentage exceeding 3.5% is eligible to receive these payments.

(bn) For counties not eligible for payments under paragraph par. (b), amounts not to exceed \$200,000 for 1988 \$100,000 for the last 6 months of 1989, \$200,000 for 1990 and \$100,000 for the first 6 months of 1991.

SECTION 2904. 1987 Wisconsin Act 27, section 3024 (4) (c) is repealed.

SECTION 2905. 1987 Wisconsin Act 27, section 3024 (4) (e) and (f) are renumbered 46.26 (7) (e) and (f) of the statutes and amended to read:

46.26 (7) (e) For emergencies related to community youth and family aids under this section 46.26 of the statutes, as affected by this act, amounts not to exceed \$125,000 for the last 6 months of 1987 1989, \$250,000 for 1988 1990 and \$125,000 for the first 6 months of 1991. A county is eligible for payments under this paragraph only if it has a population of not more than 45,000 and it is not eligible for payments under paragraph par. (b).

(f) For adjustments to have allocations to compensate for increases in per person daily cost assessments, amounts not to exceed \$114,600 \$1,116,300 for the last 6 months of 1987, \$368,200 for 1988 1989, \$2,343,800 for 1990 and \$1,228,800 for the first 6 months of 1991. The department of health and social services shall allocate funds under this paragraph in

accordance with the requirements of section 46.26 sub. (3) (d) of the statutes.

SECTION 2905m. 1987 Wisconsin Act 27, section 3024 (14m) is amended to read:

[1987 Wisconsin Act 27] Section 3024 (14m) PATERNITY BACKLOG. The department of health and social services shall develop a plan for reducing the paternity establishment backlog in a county with a population of 500,000 or more. The department shall develop the plan after consultations with the county and shall submit the plan to the joint committee on finance on or before January 1, 1988. The plan may not be implemented, and no funds under section 20.435 (4) (c) of the statutes may be released, until the joint committee on finance approves the plan. The plan may not be in effect after June 30 December 31, 1989. Under the plan, the department may, with the approval of the joint committee on finance, establish project positions, pay staff from other counties willing to participate in the effort to reduce the backlog and use funds to pay incentives to reduce the backlog.

SECTION 2907. 1987 Wisconsin Act 27, section 3054 (2g) (title) is repealed.

SECTION 2908. 1987 Wisconsin Act 27, section 3054 (2g) (a) and (b) are consolidated, renumbered 36.27 (4) (b) of the statutes and amended to read:

36.27 (4) (b) Notwithstanding section 36.27 of the statutes, in the 1987-88 and 1988-89 academic years, the board of regents of the university of Wisconsin system may annually exempt from nonresident tuition, but not from incidental or other fees, up to 150 students enrolling at the university of Wisconsin-Superior in programs identified by that institution as having surplus capacity. (b) A student who receives received an exemption from nonresident tuition under paragraph 1987 Wisconsin Act 27, section 3054 (2g) (a) during the 1987-88 and 1988-89 academic years, or who receives an exemption from nonresident tuition under this paragraph during the 1989-90 and 1990-91 academic years, shall continue to receive an exemption from nonresident tuition until the completion of his or her degree program, notwithstanding section 36.27 of the statutes and paragraph (a).

SECTION 2908f. 1987 Wisconsin Act 399, sections 54e, 54egg, 54etg and 54fb are repealed.

SECTION 2908g. 1987 Wisconsin Act 399, sections 54fgg, 54frg, 54m, 54mgg and 54mt are repealed.

SECTION 2908h. 1987 Wisconsin Act 399, sections 54r, 54rgg, 54rt, 54v, 54vgg and 54vt are repealed.

SECTION 2908i. 1987 Wisconsin Act 399, section 305rh is repealed.

SECTION 2908n. 1987 Wisconsin Act 399, section 3024 (12n) (b) is amended to read:

[1987 Wisconsin Act 399] Section 3024 (12n) (b) Notwithstanding sections 20.435 (1) (b) and 49.45 (2) (a) 12 of the statutes, if the Westview health care center, inc., in Racine county is decertified by the department of health and social services from participation

for the provision of skilled care under the medical assistance program, the department of health and social services shall, from the appropriation under section 20.435 (1) (b) of the statutes and under the payment formula specified under section 49.45 (6m) of the statutes, pay for services which the owner or lessee or purchaser provides to recipients of medical assistance who are residents of that facility, an amount that is equal to the state share. Payment shall be for the period that begins on January 16, 1988, and ends on August 31, 1989, or on the day that the results are published of a 2nd inspection survey to determine if the facility is eligible for federal financial participation as a provider of skilled care under the medical assistance program, whichever is earlier, except that no payment may be made for services provided unless the department of health and social services has first authorized the payment. If during the period of payment authorized under this subsection the department of health and social services determines that the standard of care provided by the facility under this subsection poses a threat to the lives, health or safety of the facility's residents, the department of health and social services shall cease all payments so authorized.

SECTION 2908p. 1987 Wisconsin Act 399, section 3204 (52) (aj) is repealed.

SECTION 2909b. 1987 Wisconsin Act 403, section 233 is repealed.

SECTION 2909c. 1987 Wisconsin Act 413, section 29 is repealed.

SECTION 2909e. 1987 Wisconsin Act 413, section 35 is repealed.

SECTION 2909g. 1987 Wisconsin Act 413, section 92 is repealed.

SECTION 2909i. 1987 Wisconsin Act 413, section 96 (3) is repealed.

SECTION 2909m. 1989 Wisconsin Act 6, section 6 (1) (intro.) is amended to read:

[1989 Wisconsin Act 6] Section 6 (1) (intro.) Notwithstanding the requirement for an annual update of the prospective payment system under section 49.45 (6m) (ag) (intro.) of the statutes and, the limitations on facility payment rate increases in section 49.45 (6m) (ag) 8 of the statutes and the limitation on allowable reimbursement imposed under section 150.27 of the statutes, the following shall apply:

SECTION 3001. **Nonstatutory provisions; administration.**

(1n) CLEAN WATER FUND PROPOSAL. The department of administration shall develop a proposal concerning the clean water fund program under section 144.241 of the statutes, as affected by this act, and submit the proposal and legislation needed to implement the proposal by October 1, 1989, to the chief clerk of each house of the legislature for distribution to the legislature under section 13.172 (2) of the statutes. The proposal shall include recommendations concerning all of the following:

(a) Clean water fund program size, funding level and interest rate subsidies.

(b) Clean water fund financial structure, including the use of a direct loan program versus a leveraged, revenue bond-based loan program.

(c) The appropriate interest rate for loans for transition projects under section 144.241 (20) of the statutes, as affected by this act.

~~(11g) TELECOMMUNICATIONS CONTRACTS.~~

~~(a) The department of administration is directed to report, by October 1, 1989, to the standing legislative committees on telecommunications whether or not existing contracts for telecommunications services can be voided on the ground that the telecommunications company illegally de-averages any operational expense which is recovered from the state, other than through nationally averaged rates.~~

~~(b) The department of administration is directed to report, by October 1, 1989, to the standing legislative committees on telecommunications whether bid requirements in state contracts for telecommunications services with long-distance carriers can be conditioned on whether or not they provide interstate toll service and de-average any operational expense which is recovered from customers of the state other than through nationally averaged rates.~~

(2) LEGISLATIVE TEXT PROCESSING.

(a) The individuals who are employed on the effective date of this paragraph in 3.75 FTE PR positions funded under section 20.505 (1) (kd) of the statutes and who are engaged in legislative text processing functions are transferred on that date to the 3.75 FTE GPR positions authorized by this act and funded under section 20.765 (3) (em) of the statutes, as affected by this act.

(b) All assets, liabilities and records of the department of administration that are utilized for legislative text processing functions on the effective date of this paragraph shall remain assets, liabilities and records of the department of administration on and after the effective date of this paragraph, until otherwise provided by law.

(2n) RECOMMENDATIONS CONCERNING UNDERGROUND PETROLEUM PRODUCT STORAGE TANK SYSTEM AWARDS. The department of administration shall submit recommendations concerning modifications to the program under section 101.143 of the statutes for awards for costs incurred because of discharges from underground petroleum product storage tank systems to the presiding officer of each house of the legislature if the department determines that modifications are necessary.

(3) STATE EMPLOYEES SUGGESTION BOARD MEMBERS. A member of the state employees suggestion board who holds office on the effective date of this subsection shall continue in office after the effective date of this subsection for the duration of the term to which he or

Vetoed
in Part

she was appointed prior to the effective date of this subsection.

(4) TRANSFER OF STATE EMPLOYE SUGGESTION PROGRAM.

(a) On the effective date of this paragraph, the assets and liabilities of the department of administration associated with the state employees suggestion program shall become the assets and liabilities of the department of employment relations.

(b) On the effective date of this paragraph, all records of the department of administration relating to the state employees suggestion program are transferred to the department of employment relations.

(c) All contracts entered into by the department of administration relating to the state employees suggestion program in effect on the effective date of this paragraph remain in effect and are transferred to the department of employment relations. The department of employment relations shall carry out the contractual obligations.

(d) All rules promulgated and orders issued by the department of administration relating to the state employees suggestion program in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the secretary of employment relations.

(e) Any matter pending with the department of administration on the effective date of this paragraph relating to the state employees suggestion program is transferred to the department of employment relations and all materials submitted to or actions taken before the effective date of this paragraph with respect to the pending matter are considered as having been submitted to or taken by the department of employment relations.

(5) DATA PROCESSING AND TELECOMMUNICATIONS STUDY.

(a) In this subsection, "state agency" has the meaning given under section 20.001 (1) of the statutes.

(b) The department of administration shall contract with a consultant or consultants for a comprehensive evaluation of the state's data processing and telecommunications requirements. The study shall include an examination of the state's current applications of data processing and telecommunications services and the physical and organizational environments in which the services are utilized; the state's future data processing and telecommunications requirements; possible methods of reducing current expenditures for data processing and telecommunications services; possible methods of containing future expenditures for data processing and telecommunications services; and probable new applications of data processing and telecommunications services that will be required by state agencies during fiscal years 1991-92 to 1994-95. The study shall also include recommendations for all of the following:

1. A plan to organize the state's technology research and development efforts for data processing and telecommunications requirements.

2. A methodology for ongoing strategic planning and plan review for data processing and telecommunications requirements to ensure continuation of any cost savings to be achieved or cost avoidance measures to be implemented as a result of the study.

3. A means for improving legislative and executive oversight of data processing and telecommunications through budgetary and postaudit review procedures.

4. Minimizing the impact of obsolete or inappropriate data processing and telecommunications technology selections on future budget requests of state agencies.

5. Development of a policy covering state agency personal computer and microcomputer procurements with attention given to the consequences of such procurements for agency staffing and productivity levels.

6. The impact of state data processing systems on counties and municipalities that must use those systems.

(c) The department of administration shall complete and make the results of the study available for public inspection no later than June 30, 1991.

(d) The department of administration may assess state agencies and may charge miscellaneous appropriations that finance programs with program revenue for the cost of the study under paragraph (b) in accordance with the proportion of data processing and telecommunications services used by the agencies or funded from the appropriations, as determined by the department.

(6) STUDY OF LABORATORY CONSOLIDATION. The department of administration shall study the feasibility of consolidating state-operated laboratories, including the laboratory of hygiene, the state crime laboratories and any laboratory operated by the department of agriculture, trade and consumer protection. The department of administration shall determine whether a consolidation would permit greater financial and management efficiency. The department of administration shall submit its findings, together with any recommendations for statutory changes, to the governor and the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided in section 13.172 (3) of the statutes no later than October 1, 1990.

(8) TRANSFER OF DIVISION OF EMERGENCY GOVERNMENT.

(a) On the effective date of this paragraph, the assets and liabilities of the division of emergency government in the department of administration shall become the assets and liabilities of the division of emergency government in the department of military affairs.

(b) On the effective date of this paragraph, all positions and incumbent employees holding positions in

the division of emergency government in the department of administration are transferred to the division of emergency government in the department of military affairs.

(c) Notwithstanding section 15.313 (1) of the statutes, as created by this act, the person occupying the position of administrator of the division of emergency government in the department of administration on the effective date of this paragraph shall become the administrator of the division of emergency government in the department of military affairs.

(d) Employees transferred to the department of military affairs under paragraphs (b) and (c) shall have the same rights and status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of military affairs that they enjoyed in the department of administration immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee with permanent status in class who is transferred under paragraph (b) or (c) is required to serve a probationary period.

(e) On the effective date of this paragraph, all furniture, equipment, supplies and records of the division of emergency government in the department of administration are transferred to the division of emergency government in the department of military affairs.

(f) All contracts entered into by the division of emergency government in the department of administration in effect on the effective date of this paragraph remain in effect and are transferred to the division of emergency government in the department of military affairs. The division of emergency government in the department of military affairs shall carry out any such contractual obligations.

(g) All rules promulgated and orders issued by the department of administration relating to the division of emergency government in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the department of military affairs.

(h) Any matter pending with the division of emergency government in the department of administration on the effective date of this paragraph is transferred to the division of emergency government in the department of military affairs, and all materials submitted to or actions taken before the effective date of this paragraph with respect to the pending matter are considered as having been submitted to or taken by the division of emergency government in the department of military affairs.

(i) The division of emergency government in the department of military affairs may collect any amount payable under the statutes before the effective date of this paragraph for the costs of materials, activities or services provided by the division of emergency government in the department of administration, and the

amounts collected shall be credited to the appropriation under section 20.465 (3) (g) of the statutes.

(9) STATE EMERGENCY RESPONSE COMMISSION MEMBERS. A member of the state emergency response commission who holds office on the effective date of this subsection shall continue to serve, at the governor's pleasure, as a member of the state emergency response board after the effective date of this subsection.

(10) TRANSFER OF STATE EMERGENCY RESPONSE COMMISSION.

(a) On the effective date of this paragraph, the assets and liabilities of the department of administration associated with the state emergency response commission shall become the assets and liabilities of the department of military affairs.

(b) On the effective date of this paragraph, all positions associated with the state emergency response commission, as determined by the secretary of administration, and the incumbent employees holding those positions are transferred from the department of administration to the department of military affairs.

(c) Employees transferred under paragraph (b) to the department of military affairs shall have the same rights and status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of military affairs that they enjoyed in the department of administration immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee with permanent status in class who is transferred under paragraph (b) is required to serve a probationary period.

(d) On the effective date of this paragraph, all furniture, equipment, supplies and records of the department of administration relating to the state emergency response commission are transferred to the department of military affairs.

(e) All contracts entered into by the department of administration relating to the state emergency response commission in effect on the effective date of this paragraph remain in effect and are transferred to the department of military affairs. The department of military affairs shall carry out any such contractual obligations.

(f) All rules promulgated and orders issued by the department of administration relating to the state emergency response commission in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the department of military affairs.

(g) Any matter pending with the department of administration on the effective date of this paragraph related to the state emergency response commission is transferred to the department of military affairs, and all materials submitted to or actions taken before the effective date of this paragraph with respect to the pending matter are considered as having been submitted to or taken by the department of military affairs.

(11) BOARD ON THE U.S.S. WISCONSIN. Notwithstanding section 15.105 (13) of the statutes, as created by this act, of the members initially appointed to the board on the U.S.S. Wisconsin, the governor shall designate 4 of the members to serve for terms expiring on May 1, 1991, and 4 of the members to serve for terms expiring on May 1, 1993.

Vetoed
in Part

~~(11n) STATE PROCUREMENT SYSTEM IMPROVEMENTS. Of the moneys appropriated to the department of administration under section 20.505 (1) (a) of the statutes, \$110,200 for fiscal year 1989-90 and \$62,800 for fiscal year 1990-91 is allocated for the cost of computer hardware and software, staff training, contract programming and microcomputer networking associated with proposed changes to the state procurement data processing system, and may not be expended until the secretary of administration submits to the joint committee on finance a final report of a consultant's study concerning needed improvements to the department of administration's procurement data processing system and the committee approves expenditure of the moneys.~~

Vetoed
in Part

(11q) INITIAL MEMBERS OF HOUSING TRUST FUND ADVISORY COUNCIL. Notwithstanding section 15.107

Vetoed
in Part

(4) (c) of the statutes, as created by this act, the terms of the initial members of the housing trust fund advisory council shall expire as follows:

(a) On July 1, 1991, for the following:

1. Two of the members appointed under section 15.107 (4) (b) 2 of the statutes, as created by this act, as designated by the governor.

2. One of the members appointed under section 15.107 (4) (b) 3 of the statutes, as created by this act, as designated by the president of the senate.

3. One of the members appointed under section 15.107 (4) (b) 4 of the statutes, as created by this act, as designated by the speaker of the assembly.

(b) On July 1, 1993, for the remaining members appointed under section 15.107 (4) (b) 2, 3 and 4 of the statutes, as created by this act.

(11r) TRANSFER OF POSITIONS.

(a) Notwithstanding section 16.505 (1) of the statutes, on or before June 30, 1991, the secretary of administration may transfer not more than 13.5 FTE GPR positions, and the funding for those positions, to the division of housing in the department of administration, as created by this act, from any agency, as defined in section 230.03 (3) of the statutes.

(b) Incumbent employees, if any, in positions transferred under paragraph (a) to the department of administration shall have the same rights and status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that they enjoyed immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee with permanent status in class who is transferred under paragraph (a) is required to serve a probationary period.

Vetoed
in Part

~~(11t) HOUSING POLICY TASK FORCE~~

~~(a) The housing policy task force, appointed as specified under paragraph (c), shall do all of the following:~~

Vetoed
in Part

~~1. Identify existing programs and activities related to housing administered by the state or an agency, as defined in section 16.01 (1) (b) of the statutes.~~

~~2. Make findings and recommendations about whether any of the programs or activities identified in subdivision 1 should be transferred to the division of housing in the department of administration, as created by this act.~~

~~(b) On or before July 1, 1990, the housing policy task force shall report its findings and recommendations to the governor and to the presiding officer of each house of the legislature in the manner provided under section 13.172 (2) of the statutes.~~

~~(c) The housing policy task force shall consist of 8 members appointed as follows:~~

~~1. One member of the senate, appointed by the president of the senate.~~

~~2. One member of the senate, appointed by the senate minority leader.~~

~~3. One member of the assembly, appointed by the speaker of the assembly.~~

~~4. One member of the assembly, appointed by the assembly minority leader.~~

~~5. Two members who are not public officers, appointed by the governor.~~

~~6. One member who is not a public officer, appointed by the president of the senate.~~

~~7. One member who is not a public officer, appointed by the speaker of the assembly.~~

~~(d) Members of the housing policy task force who are appointed under paragraph (c) 5 to 7 shall have significant experience in providing or managing housing for persons with low or moderate incomes.~~

~~(e) This subsection does not apply after the date on which the housing policy task force reports its findings and recommendations under paragraph (b).~~

~~(11v) GRANTS TO HOUSING ORGANIZATIONS. From the appropriation under section 20.505 (7) (d), of the statutes, as created by this act, the department of administration shall do all of the following:~~

~~(a) Make grants totaling \$20,000 in fiscal year 1989-90 and \$20,000 in fiscal year 1990-91 to housing cooperatives organized under chapter 185 of the statutes that are located in the territory described in section 4.07 of the statutes.~~

~~(b) Make a grant of \$10,000 in fiscal year 1990-91 to a nonstock, nonprofit housing corporation organized under chapter 181 of the statutes that is located in the territory described in section 4.07 of the statutes.~~

~~(12r) TRANSFER OF DRAINAGE RESPONSIBILITIES. On the effective date of this subsection:~~

~~(a) The assets and liabilities of the department of administration associated with drainage districts, including all furnishings, equipment, supplies and records relating thereto, become the assets and liabilities~~

ties of the department of agriculture, trade and consumer protection.

(b) All records of the department of administration relating to drainage districts are transferred to the department of agriculture, trade and consumer protection.

(c) All ongoing contracts entered into by the department of administration relating to drainage districts remain in effect and are transferred to the department of agriculture, trade and consumer protection, which shall carry out the contractual obligations.

(d) Any matter pending before the department of administration relating to drainage districts is transferred to the department of agriculture, trade and consumer protection, and all materials submitted to or actions taken before the effective date of this paragraph with respect to the pending matter shall be considered as having been submitted to or taken by the department of agriculture, trade and consumer protection.

Vetoed
in Part

~~(12x) ETHANOL PLANT OPERATING GRANT. Notwithstanding section 14.065 of the statutes, the department of administration shall make a \$1,000,000 grant during the 1989-90 fiscal year from the appropriation under section 20.505 (1) (md) of the statutes, as created by this act, to the Cloverbelt-Grudem ethanol plant near Jan Pals, Chippewa county, Wisconsin to support the operations of the plant.~~

(13n) RECORDS CENTER LONG-TERM SPACE NEEDS. The department of administration, in conjunction with the public records and forms board, shall develop a plan addressing the long-term space needs of the state records center. The department shall submit a report concerning the plan to the governor and the joint committee on finance no later than June 1, 1990.

(14b) GRANTS FOR CENSUS EDUCATION PROGRAMS.

(a) In this subsection:

1. "Association" means the Wisconsin towns association, the Wisconsin alliance of cities, the league of Wisconsin municipalities or the Wisconsin counties association.

2. "Municipality" means a city, village or town.

(b) The department of administration shall review and approve grants from the state to counties, municipalities and associations for programs designed to ensure a complete, accurate federal decennial census. Grants are subject to the following procedures and conditions:

1. Application may be made by any county, municipality or group of municipalities in this state which has a population of 20,000 or more, or by any county, municipality or group of municipalities which can demonstrate that a substantial portion of its population is hard to enumerate, or by any association. In this subdivision, "hard to enumerate" populations include, but are not limited to:

a. Racial and ethnic minorities.

b. Individuals for whom English is not the primary language.

c. Homeless individuals.

d. Migrant workers.

e. Residents of public housing projects or other concentrations of rental units.

f. Individuals who may be outside the mainstream of daily life, such as homebound, elderly or disabled individuals.

g. Student populations.

2. Applications shall be received by the department no later than September 15, 1989, in order to qualify for a grant.

3. The department shall announce awards of grants on or before October 13, 1989. The department shall make payment of 60% of the grant at the time of award.

4. No costs incurred after June 1, 1990, are eligible to be paid from a grant.

5. a. A department shall make grants on a matching basis, but no grant may exceed \$175,000, except as authorized under subdivision 5. b. If the total grants payable to counties and municipalities exceed the moneys available in the appropriation under section 20.505 (1) (c) of the statutes, as created by this act, the department shall adjust grants on a prorated basis.

b. If, after the department awards all grant moneys for which the department has qualifying applications, there remain unencumbered moneys in the appropriation account under section 20.505 (1) (c) of the statutes, as created by this act, the department may award additional grant moneys to applicants who apply to receive additional grant moneys. In distributing additional grant moneys, the department shall apportion the moneys on a prorated basis in accordance with the amounts awarded to each applicant originally, up to the amount of additional moneys matched by the applicant as provided in subdivision 5. a, but not to exceed a total grant of \$200,000 to a single applicant. An applicant shall utilize additional grant moneys for the same purposes identified in its application under subdivision 7.

6. Only direct costs are eligible to be paid from a grant. Such costs include personnel costs of staff specifically assigned to a census complete count promotion, office space, travel within the area covered by the grant, telephones, media advertising, printing, postage and other supplies directly attributable to a complete count promotion. Costs not eligible to be paid from a grant are equipment and property costs, application preparation costs, indirect costs, and any costs considered by the department of administration to be inconsistent with the purposes of this subsection.

7. Each grant application shall include all of the following:

a. A description of the geographic area covered by the grant application, including the name of each county or municipality that is applying for a grant and

the approximate total population of each such county and municipality.

b. The categories of population targeted for the census promotional program, including the approximate number in each category. If groups other than those listed in subdivision 1 are identified, the application shall include an explanation of why they are hard to enumerate.

c. Activities planned to reach each of these groups, including tentative schedules, source of staff and number of anticipated staff, and materials and other information which would provide a clear understanding of the promotional program.

d. Identification of costs related to subdivision 7. c.

e. The amount of grant requested and the sources and amounts of matching funds.

f. A plan for the final accounting and evaluation of the promotional program.

g. The signatures of the highest ranking official of each county, municipality or association making application for the grant.

h. If the grant extends to more than one county or municipality, the name and title of the project coordinator who is responsible for the overall effort.

8. The department of administration may reject any application which does not appropriately meet all requirements of this subsection.

9. Each county, municipality or association which receives a grant shall provide for a final accounting and submit a report of the accounting together with its request for final payment to the department of administration by July 15, 1990. The report shall be certified by the chief financial officer of the county, municipality or association or by a certified public accountant and the highest ranking official of the county, municipality or association. The department shall make payment of the final 40% of the grant when the final accounting has been completed to its satisfaction.

Vetoed
in Part

~~(c) Each applicant for a grant under this subsection shall affirm that it will not expend grant moneys for political purposes as defined in section 11.01 (16) of the statutes, or for any communication that includes a picture, depiction or name of an elected public official.~~

(14c) STATEWIDE COMPLETE CENSUS COUNT PROGRAM. The department of administration shall, from the appropriation under section 20.505 (1) (a) of the statutes in fiscal year 1989-90, conduct a statewide program to educate the public concerning federal census procedures and the importance of assuring a complete and accurate 1990 federal decennial census in this state.

Vetoed
in Part

~~(14d) CENSUS EDUCATION. (a) Of the moneys appropriated to the department of administration under section 20.505 (1) (a) of the statutes for fiscal year 1989-90, \$225,000 is allocated for a statewide complete census count program and may not be expended until the expenditure is approved by the joint committee on finance.~~

~~(b) The moneys appropriated to the department of administration under section 20.505 (1) (c) of the statutes, as created by this act, for fiscal years 1989-90 and 1990-91 may not be expended until the expenditure is approved by the joint committee on finance.~~

Vetoed
in Part

~~(14f) NATURAL RESOURCES ADMINISTRATIVE SERVICES REPORT. By January 1, 1990, the department of administration shall submit a report to the chief clerk of each house of the legislature for distribution to the legislature in the manner provided under section 13.172 (2) of the statutes regarding appropriate changes to the department of natural resources administrative services programs and the amount of funding to be budgeted in future years from forestry-related funds. The department shall submit proposed legislation addressing the subject of that report at the time the report is submitted if legislation is necessary to implement the report's recommendations.~~

Vetoed
in Part

(14g) REPORT ON FINANCING OF SCHOOL CONSTRUCTION. The department of administration shall prepare a report on the feasibility of using various financing alternatives, including the utilization of state bonding authority, to support the repair and construction of school facilities by public school districts. The report shall contain an analysis of the financing alternatives, recommendations and any statutory language necessary to implement the recommendations. By January 1, 1990, the department shall submit the report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes.

(14n) LAND INFORMATION BOARD.

(a) *Position authorization.* The authorized FTE positions for the department of administration are increased by 1.0 GPR project position to provide staff services for the land information program for a one-year period beginning no earlier than July 1, 1989, to be funded from the appropriation under section 20.505 (4) (cm) of the statutes, as created by this act.

(b) *Board members.*

1. Notwithstanding section 15.105 (16) (b) 2 of the statutes, as created by this act, initial members of the land information board representing county and municipal government shall be appointed for terms expiring on the following dates:

- One member on May 1, 1991.
- Two members on May 1, 1993.

2. Notwithstanding section 15.105 (16) (b) 3 of the statutes, as created by this act, initial members of the land information board representing public utilities and business shall be appointed for terms expiring on the following dates:

- One member on May 1, 1991.
- One member on May 1, 1993.

3. Notwithstanding section 15.07 (1) (a) of the statutes, the governor shall provisionally appoint the initial members of the land information board before August 15, 1989. The provisional appointments shall

Vetoed
in Part

Vetoed in Part be in full force until acted upon by the senate, and if confirmed shall continue for the remainder of the unexpired term or until a successor is chosen. A provisional appointee may exercise all of the powers and duties of a land information board member.

(14r) BADGER STATE GAMES ECONOMIC IMPACT STUDY. The secretary of administration, acting under section 16.50 (2) of the statutes, shall withhold approval of expenditure estimates for the moneys appropriated under section 20.505 (1) (f) of the statutes, as created by this act, until the badger state games contract with the board of regents of the university of Wisconsin system for an economic impact study of the 1989 summer games and the 1990 winter games, which shall provide for the results of the study to be submitted to the cochairpersons of the joint committee on finance no later than June 30, 1990.

Vetoed in Part (15g) COUNCIL ON SMALL AND MINORITY BUSINESS OPPORTUNITIES. The representative of the small business at least 50% owned by a veteran on the council on small and minority business opportunities under section 15.107 (2) of the statutes, as affected by this act, shall replace a representative that does not represent a group specifically designated in section 15.107 (2) (a) 1 to 6 of the statutes, as affected by this act, and his or her term shall commence when the term of that undesignated representative expires.

SECTION 3004. Nonstatutory provisions; agriculture, trade and consumer protection.

(1) RULES FOR THE SOIL AND RESOURCE MANAGEMENT PROGRAM.

(a) The department of agriculture, trade and consumer protection shall submit proposed rules for the purposes of the soil and water resource management program under section 92.14 of the statutes to the legislative council staff for review under section 227.15 (1) of the statutes before September 1, 1989.

(b) Using the procedure under section 227.24 of the statutes, the department of agriculture, trade and consumer protection shall promulgate rules for the purposes of the soil and water resource management program under section 92.14 of the statutes for the period before the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency.

(6n) ANIMAL HEALTH-RELATED SERVICES APPROPRIATION BALANCE. The department of agriculture, trade and consumer protection shall submit to the joint committee on finance, on or before September 1, 1990, a report regarding the revenue balance in the appropriation under section 20.115 (2) (g) of the statutes.

Vetoed in Part (6p) LEAD-BEARING PAINT DISCLOSURE RULES. The department of agriculture, trade and consumer protection shall promulgate rules requiring a landlord to

disclose the presence of lead-bearing paint before entering into a residential rental agreement as required under section 704.045 of the statutes, as created by this act. The department shall submit proposed rules implementing the disclosure requirement to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 5th month beginning after the effective date of this subsection.

(7n) FARM MEDIATION AND FARMER ASSISTANCE.

(a) The members of the farm mediation and arbitration board serving under section 15.135 (5), 1987 stats., on June 30, 1989, shall continue to serve on the farm mediation and arbitration board under section 15.135 (5) of the statutes, as created by this act, for the term applicable to them under section 15.135 (5), 1987 stats.

(b) The authorized FTE positions for the department of agriculture, trade and consumer protection, funded from the appropriation under section 20.115 (9) (a) of the statutes, as created by this act, are increased by 1.25 GPR project positions to perform functions related to the programs under sections 93.50 and 93.51 of the statutes, as created by this act, for the period ending on June 30, 1991.

(7p) FARM PRODUCTS PROCUREMENT. The department of agriculture, trade and consumer protection may accept an application and issue a registration certificate under section 100.03 (2) of the statutes, as affected by this act, before the first day on which the registration certificate is required under section 100.03 (2) of the statutes, as affected by this act.

Vetoed in Part (8n) GINSENG RESEARCH. Before July 1, 1991, from the appropriation under section 20.115 (4) (cm) of the statutes, as created by this act, the department of agriculture, trade and consumer protection shall allocate \$30,000 to the Ginseng Research Institute of America for research on the health benefits of ginseng.

Vetoed in Part (8g) LYME DISEASE RESEARCH. Before June 30, 1991, the animal health and disease research board shall award \$2,000 from the appropriation under section 20.115 (2) (d) of the statutes, as created by this act, to applicants for research on Lyme disease in the St. Croix county dairy herd. The board shall monitor the fiscal status of research projects funded under this subsection.

SECTION 3005. Nonstatutory provisions; arts board.

(4e) VERY SPECIAL ARTS. Of the amount in the appropriation to the arts board under section 20.215 (1) (a) of the statutes for fiscal year 1989-90, \$35,000 is one-time funding for very special arts Wisconsin, incorporated.

(4g) NATIONAL ASSEMBLY OF STATE ARTS AGENCIES CONVENTION. Of the amount in the appropriation to the arts board under section 20.215 (1) (a) of the statutes for fiscal year 1990-91, \$15,000 is one-time funding for promoting and conducting the national

assembly of state arts agencies convention in Milwaukee in 1990. The arts board shall submit a plan for spending the funds to the joint committee on finance. The arts board may spend the funds only if the joint

committee on finance approves the plan or, within 14 working days after the arts board submits the plan, the joint committee on finance does not schedule a meeting to review the plan.

SECTION 3008. Nonstatutory provisions; building commission.

(1) **AUTHORIZED STATE BUILDING PROGRAM.** For the fiscal years beginning July 1, 1989, and ending June 30, 1991, the authorized state building program is as follows:

(a) **DEPARTMENT OF ADMINISTRATION**

1. *Projects financed by program revenue:*

Industry and labor building - heating, ventilating and air conditioning improvements	\$ 1,000,000
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2. *Agency totals:*

Program revenue	<u>1,000,000</u>
Total - All sources of funds	\$ 1,000,000

(b) **DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION**

1. *Projects financed by program revenue:*

State fair park - Mall remodeling	\$ 345,800
- Minor projects	930,000

2. *Agency totals:*

Program revenue	<u>1,275,800</u>
Total - All sources of funds	\$ 1,275,800

(c) **EDUCATIONAL COMMUNICATIONS BOARD**

1. *Projects financed by general fund supported borrowing:*

Minor projects	\$ 247,700
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2. *Projects financed by gifts, grants and other receipts:*

Capital equipment replacement	1,000,000
(Total project all funding sources \$2,534,400)	

3. *Projects financed by federal funds:*

Capital equipment replacement	1,534,400
(Total project all funding sources \$2,534,400)	

4. *Agency totals:*

General fund supported borrowing	247,700
Gifts, grants and other receipts	1,000,000
Federal funds	<u>1,534,400</u>
Total - All sources of funds	\$ 2,782,100

(d) **DEPARTMENT OF HEALTH AND SOCIAL SERVICES**

1. *Mental health projects financed by general fund supported borrowing:*

Winnebago mental health institute - North cottage remodeling	\$ 377,300
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Northern Wisconsin center - Air conditioning of education building	1,203,000
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Central Wisconsin center - Toilet and bath remodeling	810,600
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Northern Wisconsin center - Toilet and bath remodeling	1,337,600
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Southern Wisconsin center - Toilet and bath remodeling	1,135,000
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Mendota mental health institute - Air conditioning of 2 buildings	4,469,000
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Winnebago mental health institute - Air conditioning of 2 buildings	4,078,000
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Minor projects	607,100
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2. *Corrections projects financed by general fund supported borrowing:*

Taycheedah correctional institution - Food service building	3,557,100
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Vetoed
in Part

Green Bay correctional institution - Main building remodeling - Phase 2	2,009,500	
Taycheedah correctional institution - Maximum security housing	\$1,597,600	Vetoed in Part
Prison bed construction at state prisons including 200 additional beds at Racine correctional institution, Racine county; and 60 additional beds at a minimum security community correctional center	11,187,000	
Minor projects	1,005,400	
3. Agency totals:		
General fund supported borrowing	37,166,200	
Total - All sources of funds	\$ 37,166,200	
(e) STATE HISTORICAL SOCIETY		
1. Projects financed by general fund supported borrowing:		
Completion of historical museum	\$ 402,400	
(Total project all funding sources \$1,902,400)		
Minor projects	621,000	
2. Projects financed by existing general fund supported borrowing:		
Completion of historical museum	1,500,000	
(Total project all funding sources \$1,902,400)		
3. Projects financed by program revenue supported borrowing:		
Madeline Island historical museum	287,000	
(Total project all funding sources \$622,000)		
4. Projects financed by gifts, grants and other receipts:		
Madeline Island historical museum	335,000	
(Total project all funding sources \$622,000)		
5. Agency totals:		
General fund supported borrowing	1,023,400	
Existing general fund supported borrowing	1,500,000	
Program revenue supported borrowing	287,000	
Gifts, grants and other receipts	335,000	
Total - All sources of funds	\$ 3,145,400	
(f) DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS		
1. Projects financed by federal funds:		
Wausau employment security building remodeling	\$ 368,000	
La Crosse employment security building remodeling	293,200	
Racine employment security building remodeling	344,600	
Eau Claire employment security building remodeling	329,100	
Madison employment security building remodeling	553,600	
Kenosha employment security building remodeling	277,500	
Menasha employment security building remodeling	375,800	
Fond du Lac employment security building remodeling	328,900	
Minor projects	489,200	
2. Agency totals:		
Federal funds	3,359,900	
Total - All sources of funds	\$ 3,359,900	
(g) DEPARTMENT OF MILITARY AFFAIRS		
1. Projects financed by general fund supported borrowing:		
Armory and motor vehicle storage building construction (3 locations) and organizational maintenance shop construction (1 location)	\$ 2,245,100	
(Total project all funding sources \$8,037,000)		

Fort McCoy mobilization and training equipment site addition and remodeling and motor vehicle storage building	215,000	
(Total project all funding sources \$4,205,000)		
Motor vehicle storage buildings (3 locations)	24,000	
(Total project all funding sources \$1,180,000)		
Northwest Milwaukee area armory, motor vehicle storage building and organizational maintenance shop	921,000	
(Total project all funding sources \$4,004,000)		
Madison adjutant general's office building and armory	4,173,000	
(Total project all funding sources \$10,968,000)		
Beloit armory and motor vehicle storage building	905,000	Vetoed in Part
(Total project all funding sources \$3,119,000)		
Waukesha armory addition and remodeling and motor vehicle storage building	601,900	
(Total project all funding sources \$2,016,900)		
Minor projects	754,700	
2. Projects financed by federal funds:		
Armory and motor vehicle storage building construction (3 locations) and organizational maintenance shop construction (1 location)	5,791,900	
(Total project all funding sources \$8,037,000)		
Fort McCoy mobilization and training equipment site addition and remodeling and motor vehicle storage building	3,990,000	
(Total project all funding sources \$4,205,000)		
Motor vehicle storage buildings (3 locations)	1,156,000	
(Total project all funding sources \$1,180,000)		
Northwest Milwaukee area armory, motor vehicle storage building and organizational maintenance shop	3,083,000	
(Total project all funding sources \$4,004,000)		
Madison adjutant general's office building and armory	6,725,000	
(Total project all funding sources \$10,968,000)		
Beloit armory and motor vehicle storage building	2,214,000	Vetoed in Part
(Total project all funding sources \$3,119,000)		
Waukesha armory addition and remodeling and motor vehicle storage building	1,415,000	
(Total project all funding sources \$3,016,900)		
Minor projects	1,078,300	
3. Agency totals:		
General fund supported borrowing	9,839,700	
Federal funds	25,523,200	
Total - All sources of funds	\$ 35,362,900	
(h) DEPARTMENT OF NATURAL RESOURCES		
1. Projects financed by general fund supported borrowing:		
Willow river dam repair and removal	\$ 1,153,500	
(Total project all funding sources \$1,955,800)		
Eau Claire district office purchase	976,000	
(Total project all funding sources \$1,600,000)		
Lake Mills fish hatchery renovation	1,079,000	
Lake Mills warm water fish hatchery and rearing building	550,000	
Hayward office and ranger station	125,000	
(Total project all funding sources \$250,000)		

- 687 -

89 WisAct 31

Madison research and office facilities	300,000	
(Total project all funding sources \$600,000)		
Oregon Dabbler Lake Trail building and development	800,000	Vetoed in Part
Nevin fish hatchery renovation	872,000	Vetoed in Part
Minor projects	222,000	
2. Projects financed by general fund supported borrowing--recreation development:		
Minor projects	2,162,500	
3. Projects financed by moneys appropriated to the agency from any revenue source:		
Willow river dam repair and removal	802,300	
(Total project all funding sources \$1,955,800)		
Minor projects	2,408,000	
4. Projects financed by segregated fund supported borrowing:		
Eau Claire district office purchase	624,000	
(Total project all funding sources \$1,600,000)		
Hayward office and ranger station	125,000	
(Total project all funding sources \$250,000)		
Madison research and office facilities	300,000	
(Total project all funding sources \$600,000)		
5. Projects financed by segregated fund revenue:		
Minor projects	4,064,200	
6. Projects financed by federal funds:		
Chippewa Moraine ice age unit	500,000	
Minor projects	548,500	
7. Projects financed by gifts, grants and other receipts		
Minor projects	328,100	
8. Agency totals:		
General fund supported borrowing	5,577,500	
General fund supported borrowing - recreation development	2,162,500	
Moneys appropriated to the agency from any revenue source	3,210,300	
Segregated fund supported borrowing	1,049,000	
Segregated funds	4,064,200	
Federal funds	1,048,500	
Gifts, grants and other receipts	328,100	
Total - All sources of funds	\$ 17,440,100	
(i) DEPARTMENT OF PUBLIC INSTRUCTION		
1. Projects financed by general fund supported borrowing:		
Reference and loan building purchase	\$ 525,000	
2. Agency totals:		
General fund supported borrowing	525,000	
Total - All sources of funds	\$ 525,000	
(j) DEPARTMENT OF TRANSPORTATION		
1. Projects financed by segregated fund supported revenue borrowing:		
Madison east customer service center	\$ 1,241,200	
Madison fleet and radio shop	1,512,000	
Milwaukee area customer service center land purchase	250,000	
Eau Claire state patrol facility addition and remodeling	730,000	
Wausau state patrol facility addition and remodeling	760,000	
Sheboygan customer service center purchase	273,000	
Wisconsin Rapids sign shop storage facility	717,600	
Racine customer service center	524,000	Vetoed in Part
2. Projects financed by segregated fund revenue:		
Tourist information center near St. Croix Falls	250,000	

89 WisACT 31

-688-

Minor projects	1,518,800	
3. <i>Agency totals:</i>		
Segregated fund supported revenue borrowing	6,867,800	
Segregated fund revenue	<u>1,768,800</u>	
Total - All sources of funds	\$ 8,636,600	
(k) DEPARTMENT OF VETERANS AFFAIRS		
1. <i>Projects financed by general fund supported borrowing:</i>		
Skilled nursing care building	\$ 4,200,000	
(Total project all funding sources \$12,000,000)		
Air cooling systems for Olson and Stordock halls	429,000	
(Total project all funding sources \$1,817,000)		
Purchase or construction of G.A.R. memorial hall museum and department of veterans affairs facilities	3,500,000	
(Total project all funding sources \$7,000,000)		
Burns-Clemens hall remodeling	2,520,000	Vetoed in Part
(Total project all funding sources \$12,000,000)		
Minor projects	42,100	
2. <i>Projects financed by existing general fund supported borrowing:</i>		
Air cooling systems for Olson and Stordock halls	1,388,000	
(Total project all funding sources \$1,817,000)		
3. <i>Projects financed by moneys appropriated to the agency from any revenue source:</i>		
Purchase or construction of G.A.R. memorial hall museum and department of veterans affairs facilities	3,500,000	
(Total project all funding sources \$7,000,000)		
4. <i>Projects financed by federal funds:</i>		
Burns-Clemens hall remodeling	4,680,000	Vetoed in Part
(Total project all funding sources \$12,000,000)		
Skilled nursing care building	7,800,000	
(Total project all funding sources \$12,000,000)		
5. <i>Agency totals:</i>		
General fund supported borrowing	10,691,100	
Existing general fund supported borrowing	1,388,000	
Moneys appropriated to the agency from any revenue source	3,500,000	
Federal funds	<u>12,480,000</u>	
Total - All sources of funds	\$ 28,059,100	
(m) UNIVERSITY OF WISCONSIN SYSTEM		
1. <i>Projects financed by general fund supported borrowing:</i>		
Eau Claire - Library information and technology re- source center	3,000,000	Vetoed in Part
Green Bay - Center for the performing arts	\$ 3,500,000	
(Total project all funding sources \$12,700,000)		
La Crosse - Library resource center addition and remodeling	2,600,000	Vetoed in Part
Madison - Memorial library compact shelving	2,370,000	
- Chilled water system expansion - Phase 2	6,200,000	
- Electrical and signal distribution system improvements	1,770,000	
Milwaukee - School of architecture and urban planning	18,000,000	
- School of business administration	22,200,000	Vetoed in Part
Oshkosh - Albee hall physical education addition	2,220,000	
(Total project all funding sources \$22,200,000)		
Platteville - Dairy center redevelopment - Phase 4	309,000	Vetoed in Part
Stout - Fryklund hall remodeling	3,700,000	
Whitewater - Multipurpose auditorium	3,500,000	
(Total project all funding sources \$9,000,000)		
Center system - movable and special equipment	250,000	
Great Lakes research remodeling	600,000	

Minor projects	6,000,000	
2. <i>Projects financed by program revenue supported borrowing:</i>		
Madison - Clinical science center		
operating room and recovery room expansion	897,000	
- Clinical science center trauma and life support center, neurological intensive care and burn center expansion	7,875,000	
- Parking ramp 900 block of West Johnson street	3,500,000	
Milwaukee - Sandburg residence hall addition	17,300,000	
- Kunkle parking structure	3,884,500	
(Total project all funding sources \$6,400,000)		
- School of business administration parking ramp	1,800,000	Vetoed in Part
Oshkosh - Albee hall physical education addition	405,000	
(Total project all funding sources \$2,635,000)		
Platteville - East campus parking and site development	260,000	
Stevens Point - Debot food service center addition and remodeling	1,600,000	
(Total project all funding sources \$2,604,000)		
Stout - Price commons remodeling and asbestos removal	1,854,000	
Whitewater - Multipurpose auditorium	1,000,000	
(Total project all funding sources \$9,000,000)		
WHA-TV tower facility	4,000,000	
3. <i>Projects financed by existing program revenue supported borrowing:</i>		
Milwaukee - Kunkle parking structure	2,515,500	
(Total project all funding sources \$6,400,000)		
4. <i>Projects financed by program revenue:</i>		
Eau Claire - Davies student center remodeling	2,786,000	
Milwaukee - Student center plaza enclosure	315,000	
Stevens Point - Debot food service center addition and remodeling	1,004,000	
(Total project all funding sources \$2,604,000)		
Minor projects	6,603,300	
5. <i>Projects financed by gifts, grants and other receipts:</i>		
Green Bay - Center for the performing arts	9,200,000	
(Total project all funding sources \$12,700,000)		
Madison - Clinical science center eye research and cancer research addition	6,626,000	
Whitewater - Multipurpose auditorium	4,500,000	
(Total project all funding sources \$9,000,000)		
6. <i>Projects financed by federal funds:</i>		
Madison - Primate research center annex improvements - Phase 3	1,000,000	
7. <i>Agency totals:</i>		
General fund supported borrowing	86,619,000	
Program revenue supported borrowing	44,175,500	
Existing program revenue supported borrowing	2,515,500	
Program revenue	10,708,300	
Gifts, grants and other receipts	20,326,000	
Federal funds	1,000,000	
Total - All sources of funds	\$165,344,300	
(n) FUNDING AVAILABLE TO ALL AGENCIES		
1. <i>Projects financed by general fund supported borrowing:</i>		
Maintenance program	\$ 40,000,000	
(Total program all funding sources \$51,500,000)		
Health, safety and environment program	14,995,000	
(Total program all funding sources \$20,435,000)		

Energy conservation program	4,000,000
Removal of architectural barriers	1,000,000
(Total program all funding sources \$1,860,000)	
Advance land acquisition	600,000
(Total program all funding sources \$830,000)	
Telecommunications cabling	4,000,000
Major equipment replacement	5,000,000
2. <i>Projects financed by building trust funds:</i>	
Maintenance program	1,500,000
(Total program all funding sources \$51,500,000)	
Health, safety and environment program	3,500,000
(Total program all funding sources \$20,435,000)	
3. <i>Projects financed by program revenue supported borrowing:</i>	
Maintenance program	10,000,000
(Total program all funding sources \$51,500,000)	
4. <i>Projects financed by program revenue:</i>	
Health, safety and environment program	1,350,000
(Total program all funding sources \$20,435,000)	
Removal of architectural barriers	860,000
(Total program all funding sources \$1,860,000)	
Advance land acquisition	230,000
(Total program all funding sources \$830,000)	
5. <i>Projects financed by segregated fund revenue:</i>	
Health, safety and environment program	390,000
(Total program all funding sources \$20,435,000)	
6. <i>Projects financed by federal funds:</i>	
Health, safety and environment program	200,000
(Total program all funding sources \$20,435,000)	
7. <i>All agency totals:</i>	
General fund supported borrowing	69,595,000
Building trust funds	5,000,000
Program revenue supported borrowing	10,000,000
Program revenue	2,440,000
Segregated fund revenue	390,000
Federal funds	200,000
Total - All sources of funds	\$ 87,625,000
(o) SUMMARY	
Total general fund supported borrowing	\$221,284,600
Total general fund supported borrowing--recreation development	2,162,500
Total existing general fund supported borrowing	2,888,000
Total program revenue supported borrowing	54,462,500
Total existing program revenue supported borrowing	2,515,500
Total segregated fund supported borrowing	1,049,000
Total segregated fund supported revenue borrowing	6,867,800
Total building trust funds	5,000,000
Total program revenue	15,424,100
Total segregated fund revenue	6,223,000
Total moneys appropriated to agencies from any revenue source	6,710,300
Total gifts, grants and other receipts	21,989,100
Total federal funds	45,146,000
Total - All sources of funds	\$391,722,400

(1m) EAU CLAIRE FAMILY PRACTICE CLINIC.

is increased from \$920,800 to \$1,520,800 and the appropriate totals are adjusted accordingly.

(a) In chapter 34, laws of 1979, section 2006m (1) (j), under projects financed by self-amortized supported borrowing authority, the amount authorized for the Eau Claire and Wausau family practice clinics

(b) In chapter 34, laws of 1979, section 2006m (1) (j), under projects financed by gifts, grants and other agency receipts, the amount authorized for the Eau Claire and Wausau family practice clinics is decreased

from \$760,500 to \$160,500 and the appropriate totals are adjusted accordingly.

(1p) UNIVERSITY OF WISCONSIN-MADISON INDOOR PRACTICE FACILITY. In 1985 Wisconsin Act 29, section 3007 (1) (j), as affected by 1985 Wisconsin Act 339, section 7, under projects financed by gifts, grants and other receipts, the amount for the 1985-87 state building program project identified as university of Wisconsin-Madison indoor practice facility for athletic programs is reduced from \$9,500,000 to \$5,000,000 and the appropriate totals are changed accordingly at the time that ownership of the facility is transferred to the state. In 1985 Wisconsin Act 29, section 3007 (1) (j), under projects financed by program revenue supported borrowing, the 1985-87 state building program project identified as university of Wisconsin-Madison indoor practice facility for athletic programs is added and the appropriate totals are increased by \$4,500,000 at the time that ownership of the facility is transferred to the state.

(2) PROGRAMS PREVIOUSLY AUTHORIZED. In addition to the projects and financing authority enumerated under subsection (1), the building and financing authority enumerated under previous authorized state building programs is continued in fiscal years 1989-90 and 1990-91.

(3) MINOR PROJECTS. The building commission may establish and modify project priorities for projects designated as minor projects funded under subsection (1) and may, within the total funding provided for those minor projects, revise the amount of funds allocated among agencies.

(4) ALLOCATION AUTHORITY. Notwithstanding section 20.924 (1) of the statutes, the building commission may allocate the financing authority under subsection (1) (n) for the purposes of maintenance, health, safety and environment, energy conservation, removal of architectural barriers, total facilities performance projects, advance land acquisition, telecommunications cabling and major equipment replacement among agencies without enumeration of projects costing in excess of \$250,000 in the authorized state building program.

(5) LOANS. The building commission may make loans from general fund supported borrowing or the building trust fund to agencies for projects which are to be utilized for programs not funded by general purpose revenue and which are authorized under subsection (1) (n).

(6) LIMITED APPROVAL OF UNENUMERATED PROJECTS.

(a) Notwithstanding section 20.924 (1) of the statutes, the building commission may, during the 1989-91 fiscal biennium, approve the construction of a project costing in excess of \$250,000 but not enumerated in subsection (1) if all of the following conditions are met:

1. The project is funded from federal grants or private gifts or grants.

2. The commission determines that the construction is in the best interests of the state.

3. The joint committee on finance approves the project.

(b) This subsection does not apply to the projects specified in subsections (4), (8), (12) and (13).

(6n) REVIEW OF PROCEDURES AND CONDITIONS FOR PROJECT FUNDING.

(a) The department of administration shall review the procedures and conditions under which capital construction projects funded in whole or in part by gifts, grants and bequests are planned for and authorized. The department of administration shall prepare a written report summarizing the results of its review and making recommendations to the building commission regarding all of the following issues:

1. What kind of assurances should be provided by an agency to the building commission concerning the receipt of gift grant and bequest funds to be used for capital projects, including consideration of whether a minimum amount of gift, grant and bequest funds should be in hand before the agency may request that a project be enumerated.

2. Whether an agency's long-term construction priorities may be disregarded for projects funded in whole or in part by gifts, grants and bequests, and, if so, whether an extraordinary majority of the building commission should be required to authorize such projects.

3. Whether the commission should promulgate a general policy on agency acceptance of bequests stipulating any kind of project construction timetable.

(b) The department of administration shall submit the report required under paragraph (a) to the building commission and to the chief clerk of each house of the legislature for distribution to the legislature in the manner provided under section 13.172 (2) of the statutes no later than July 1, 1990.

(c) After reviewing the report received under paragraph (b), the building commission shall submit its written recommendations on the issues specified under paragraph (a) to the chief clerk of each house of the legislature for distribution in the manner provided under section 13.172 (2) of the statutes no later than November 1, 1990.

(7) USE OF CASH SOURCES. Notwithstanding section 20.866 (2) (s) to (zm) of the statutes, as affected by this act, and section 20.866 (2) (zz) of the statutes, or the state building program project enumerations in subsection (1), the building commission may substitute available cash sources of funds for borrowing under section 20.866 (2) (s) to (zm) of the statutes, as affected by this act, and section 20.866 (2) (zz) of the statutes, in fiscal years 1989-90 and 1990-91.

(8) UNIVERSITY FACILITIES FUNDED FROM PROGRAM REVENUES. Notwithstanding section 20.924 (1) of the statutes, during the 1989-91 fiscal biennium the building commission may approve any project that is not

enumerated under subsection (1) and that costs in excess of \$250,000 for maintenance, health, safety and environment, energy conservation, removal of architectural barriers, advance land acquisition or telecommunications cabling for facilities of the university of Wisconsin system funded from program revenues appropriated to the board of regents of the university of Wisconsin system without enumerating that project under subsection (1).

(10) WORKS OF ART FUNDING REALLOCATION. Notwithstanding sections 13.48 (10) and 44.57 (2) of the statutes, as affected by this act, the building commission shall reallocate, from funding for building projects determined by the commission in the authorized state building program supported by borrowing, moneys designated for the purchase of works of art in state buildings under section 44.57 (2) of the statutes during the 1989-91 fiscal biennium for the purpose of restoring works of art, as defined in section 16.84 (10) of the statutes, in the state capitol.

(11) EDUCATIONAL COMMUNICATIONS BOARD; EQUIPMENT REPLACEMENT PRIORITIES. The building commission shall give first priority to the replacement of television transmission equipment for WPNE-Green Bay and WHLA-La Crosse from the funds made available from the major equipment replacement allocation under subsection (1) (n) and any applicable matching funds available to the educational communications board.

(11p) MAJOR EQUIPMENT REPLACEMENT ALLOCATION.

(a) The building commission may not use any funds available from the major equipment replacement allocation under subsection (1) (n) for the purchase of capital equipment unless that capital equipment satisfies all of the following conditions:

1. It requires building construction or remodeling and approval of the building commission under section 13.48 (10) of the statutes.
2. It is normally built-in or fixed and not movable.
3. It has reached its expected useful life at the time of replacement or has a maintenance record which indicates that it is at the end of its useful life.
4. It has an expected useful life that equals or exceeds the term of short-term borrowing instruments used to fund it.
5. It has a unit cost in excess of \$10,000.
6. It is critical to the continued operation of a campus, institution, program or other state activity.

(b) The building commission shall limit the terms of debt issued to fund the major equipment replacement allocation under subsection (1) (n) to 7 years or less.

(13) LAKE MILLS FISH HATCHERY. Notwithstanding section 20.924 (1) of the statutes, the department of natural resources may, with the approval of the building commission, reallocate funds authorized under subsection (1) (h) or other funds available to the department under section 20.370 (1) of the statutes to finance a new hatching and rearing building at the Lake Mills fish hatchery at a project cost of \$550,000.

(14) GREEN BAY CENTER FOR THE PERFORMING ARTS. The building commission may authorize the construction of the university of Wisconsin-Green Bay center for the performing arts under subsection (1) (m) contingent upon the receipt of \$9,200,000 of funds from gifts, grants and other receipts.

(14x) LA FOLLETTE HOMESTEAD. Notwithstanding section 20.924 (1) of the statutes, the building commission may acquire the Robert M. La Follette, Sr. homestead in the village of Maple Bluff contingent upon the receipt of gifts, grants and other receipts sufficient to permit the acquisition by exchange, trade or purchase.

(15) WHITEWATER MULTIPURPOSE AUDITORIUM. The building commission may authorize the construction of the university of Wisconsin-Whitewater multipurpose auditorium under subsection (1) (m) costing not more than \$7,250,000 contingent upon the receipt of \$3,750,000 of funds from gifts, grants and other receipts. The board of regents of the university of Wisconsin system may, with the approval of the building commission, substitute program revenue supported borrowing for any portion of the gifts, grants and receipts funds.

(17b) VETERANS NURSING HOME LOCATION STUDY. The building commission, in cooperation with the board of veterans affairs, shall study the costs and benefits of locating veterans nursing homes in northern and southern Wisconsin and any other related factor considered important by the building commission and the board of veterans affairs. The building commission shall submit a written report on the results of the study to the joint committee on finance no later than December 1, 1990.

(17s) UNIVERSITY OF WISCONSIN-MADISON INDOOR SPORTS FACILITY. The building commission shall allocate \$200,000 in fiscal year 1989-90 from the appropriation under section 20.867 (2) (g) of the statutes to conduct a site selection study for an indoor sports facility to be constructed on the university of Wisconsin-Madison campus. All sites considered in the study shall be located within the limits of the university of Wisconsin-Madison campus development plan boundary as approved by the board of regents of the university of Wisconsin system on November 7, 1980, or within one-half mile of those limits. No later than July 1, 1990, the building commission shall transmit a report containing the results of the study to the members of the board of regents of the university of Wisconsin system and to the chief clerk of each house of the legislature for distribution to the legislature in the manner provided in section 13.172 (2) of the statutes.

SECTION 3011. Nonstatutory provisions; conservation corps board.

(1n) HUMAN SERVICES ACTIVITIES.

(a) In this subsection, "human services activity" has the meaning given in section 16.20 (1) (cm) of the statutes, as created by this act.

(b) In the 1989-91 fiscal biennium, the Wisconsin conservation corps board may authorize no more than

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in Part**

~~8 projects which include human services activities. In the 1989-91 biennium, the board may only approve projects which include human services activities if these projects also include conservation activities, as defined in section 16.20 (1) (b) of the statutes, and provide participating Wisconsin conservation corps enrollees with significant experience in both kinds of activities.~~

~~(c) The executive secretary and the staff of the Wisconsin conservation corps board shall encourage sponsors to submit applications for projects which qualify under paragraph (b) and shall assist in planning those projects.~~

~~(d) On or before September 1, 1990, the executive secretary of the Wisconsin conservation corps board shall submit a report on the delivery of human services by the Wisconsin conservation corps to the governor and the joint committee on finance.~~

(2g) WISCONSIN CONSERVATION CORPS SIGN PROGRAM. The Wisconsin conservation corps board shall establish a program to use Wisconsin conservation corps enrollees to construct commemorating signs to be placed at the site of each federal civilian conservation corps work site and camp site in the state during the 1989-91 biennium. From the appropriation under section 20.399 (1) (a) of the statutes not more than \$36,000 may be expended for this program.

(4g) PROJECTS INVOLVING HISTORIC PLACES.

(a) Notwithstanding section 16.20 (5) (b) of the statutes, as affected by this act, a project may qualify under that section if it provides employment opportunities and is a project involving the preservation or restoration at a historic property. Notwithstanding section 105.05 (18) (c) of the statutes, the state historic preservation officer shall serve as a liaison representative to the Wisconsin conservation corps board. This paragraph does not apply after June 30, 1991.

(b) The Wisconsin conservation corps board shall conduct a study on the feasibility of having corps projects involve the preservation or restoration of historic properties. The study shall include a report on any corps projects in the 1989-91 biennium that involved the preservation or restoration of historic properties and a recommendation on whether or not the preservation or restoration of a historic property should continue to be an eligible project under section 16.20 (5) (b) of the statutes, as affected by this act. The board shall submit its report by June 30, 1991, to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes.

SECTION 3015. Nonstatutory provisions; development.

(1) MINORITY BUSINESS PROJECTS; LEGISLATIVE INTENT. In connection with subchapter VII of chapter 560 of the statutes, as created by this act, and subsection (2) the legislature finds all of the following:

(a) That according to a report on minority business development submitted to the governor by the governor's committee on minority business in September 1988, the business ownership rate among certain minority group members is between one-sixth and one-fourth the rate for people who are not minority group members.

(b) That the report of the governor's committee states that the access of minority group members to the state's various business development finance programs is limited by several factors, including:

1. Restrictions on the eligibility of borrowers and the use of borrowed funds.
2. Requirements dealing with a borrower's equity in the business.
3. Matching funds requirements.
4. Lack of programs designed to provide equity financing for business start-ups.
5. The small number of minority group members who are eligible to participate in business development programs.

(c) That the findings of the governor's committee on minority business support the conclusion that there is a disparity between the total dollar amount of grants or loans made to minority group members under this state's business development finance programs and the total dollar amount of grants and loans made to people who are not minority group members.

(d) That a lack of access to venture capital and equity capital is a major barrier to minority business formations, expansions and acquisitions.

(e) That providing grants and loans for business development to minority business and minority group members is in the best interests of the state because the growth of minority group business will do all of the following:

1. Decrease the disproportionate level of unemployment among minority group members in this state.
2. Increase competition for state purchasing and procurement contracts.
3. Increase this state's tax base.
4. Enhance the economic well-being of this state and its residents generally.

(2) MINORITY BUSINESS INCUBATOR GRANTS.

(a) In this subsection, "business incubator" means a person who operates a facility designed to encourage the growth of new businesses, if at least 2 of the following apply:

1. Space in the facility is rented at a rate lower than the market rate in the community.
2. Shared business services are provided in the facility.
3. Management and technical assistance are available at the facility.

4. Businesses using the facility may obtain financial capital through a direct relationship with at least one financial institution.

Vetoed
in Part

(b) The department of ~~tourism and~~ development may make grants totaling not more than \$500,000 from the appropriation under section 20.143 (1) (fm) of the statutes, as created by this act, to a business incubator if all of the following apply:

1. The business incubator provides services primarily to minority group members, as defined in section 560.036 (1) (f) of the statutes, or minority businesses, as defined in section 560.036 (1) (e) of the statutes.

2. The business incubator is located in a 1st class city.

3. The business incubator is bounded on the north by Locust street, on the east by North 4th street, on the south by Hadley street and on the west by North 5th street.

Vetoed
in Part

4. The business incubator submits a plan to the department of ~~tourism and~~ development detailing the proposed use of the grant.

Vetoed
in Part

5. If the grant is part of a project that is also funded by contributions from other sources, the business incubator provides the department ~~tourism and~~ development with the amount of those contributions or pledges for contributions that the incubator received before the grant is made.

Vetoed
in Part

6. The secretary of administration and the secretary of ~~tourism and~~ development both approve the plan submitted under subdivision 4.

7. The business incubator agrees not to use the proceeds of the grant for salaries or other administrative costs.

8. If the grant will be used to build or rehabilitate the premises of the business incubator, the business incubator agrees to try to ensure that at least 50% of the proceeds of the grant will go to contractors that are minority businesses, as defined in section 560.036 (1) (e) of the statutes.

Vetoed
in Part

9. The business incubator agrees to submit to the department of ~~tourism and~~ development, within 90 days after spending the full amount of the grant, a report detailing the actual use of the proceeds of the grant.

Vetoed
in Part

(bx) The department of ~~tourism and~~ development shall make a grant of \$100,000 from the appropriation under section 20.143 (1) (fm) of the statutes, as created by this act, to a business incubator if all of the following apply:

1. The business incubator provides services primarily to small businesses, many of which are owned by minority group members, as defined in section 560.036 (1) (f) of the statutes, or minority businesses, as defined in section 560.036 (1) (e) of the statutes.

2. The business incubator is located in a 1st class city.

3. The business incubator is located in the area bounded on the north by Mill road, on the east by

Green Bay avenue, on the south by Capitol drive and on the west by Sherman boulevard.

4. The business incubator agrees to use the proceeds of the grant to establish a fund to make loans to and investments in the businesses that use the services of the incubator.

(c) This subsection does not apply after June 30, 1991.

~~(20) FOURTH CLASS CITY BUSINESS INCUBATOR GRANT~~

Vetoed
in Part

(a) In this subsection, "business incubator" means a person who operates a facility designed to encourage the growth of new businesses, if at least 2 of the following apply:

1. Space in the facility is rented at a rate lower than the market rate in the community.

2. Shared business services are provided in the facility.

3. Management and technical assistance are available at the facility.

4. Businesses using the facility may obtain financial capital through a direct relationship with at least one financial institution.

(b) The department of tourism and development shall make a grant of \$50,000 from the appropriation under section 20.143 (1) (d) of the statutes, as affected by this act, to a business incubator if all of the following apply:

1. The business incubator provides services primarily to new or expanding businesses in a county with 25,000 or fewer persons.

2. The business incubator is located in a 4th class city.

3. The business incubator is bounded on the north by Main street, on the east by Pickle Row and on the west by Northwestern avenue.

(c) This subsection does not apply after June 30, 1990.

(3) DEVELOPMENT FINANCE BOARD. Notwithstanding the length of terms specified under section 15.155 (1) of the statutes, as affected by this act, the initial term of the member of the development finance board appointed to represent the minority business community under section 15.155 (1) of the statutes, as affected by this act, shall expire on May 1, 1990.

~~(3n) MINORITY BUSINESS DEVELOPMENT BOARD. Notwithstanding the length of terms specified under section 15.155 (3) (a) 2, 3 and 4 of the statutes, as created by this act, the terms of the initial members of the minority business development board shall expire as follows:~~

Vetoed
in Part

(a) On May 1, 1990, for one member appointed by the governor, as designated by the governor, and for the member appointed by the presiding officer of the senate.

(b) On May 1, 1991, for the other member appointed by the governor and for the member appointed by the presiding officer of the assembly.

(3q) RURAL ECONOMIC DEVELOPMENT BOARD; INITIAL TERMS. Notwithstanding section 15.155 (4) of the statutes, as created by this act, of the initial members appointed by the governor to the rural economic development board, the governor shall designate one to serve for a term expiring on May 1, 1990, one for a term expiring on May 1, 1991, and one for a term expiring on May 1, 1992.

(4n) MINORITY BUSINESS PROMOTION AND SEMINARS.

(a) In this subsection, "board" means the minority business development board created under section 15.155 (3) of the statutes, as created by this act.

(b) The board may do all of the following:

1. Sponsor seminars related to the development of minority businesses and creation of new minority businesses.

2. Promote the use and availability of grants and loans to minority group members or minority businesses under subchapter VII of chapter 560 of the statutes, as created by this act.

(c) The board may expend or encumber not more than 2% of the amount of the appropriation under section 20.143 (1) (fm) of the statutes, as created by this act, for the 1989-91 fiscal biennium to fund the activities under paragraph (b).

(d) The board may contract with public or private entities to sponsor seminars or promote minority business grants and loans under paragraph (b), subject to paragraph (c).

(e) This subsection does not apply after June 30, 1990.

(5n) WOMEN'S BUSINESSES REVOLVING FUND GRANTS.

(a) In this subsection, "businesses owned by women" means entities that are all of the following:

1. Operated for profit.

2. At least 51% owned by a woman or women.

3. Controlled and actively managed by a woman or women.

Vetoed in Part (b) The department of ~~tourism and~~ development shall make a grant of \$125,000, disbursed subject to paragraph (f), to a nonstock, nonprofit corporation with main offices in a 1st class city, if all of the following apply:

1. The corporation provides services and assistance to women who start or operate businesses in this state.

2. The corporation agrees to deposit the proceeds of the grant in a revolving fund, described in paragraph (c), for making or guaranteeing loans to women or businesses owned by women.

3. The corporation submits an operating plan detailing the structure of the revolving fund as approved by the corporation's board of directors.

(c) The corporation receiving the grant shall use the revolving fund to make loans or guarantee loans to women or businesses owned by women to fund any of the following:

1. Costs associated with starting a business.

2. Day-to-day operating costs of an existing business.

3. Expansion of an existing business.

4. Acquisition of an existing business.

(d) The corporation receiving the grant shall give priority for loans and guarantee of loans from the revolving fund to the following:

1. A woman whose income is less than 80% of the county median income in the county where she lives.

2. A woman who is the sole head of a household.

3. A woman who is the head of a household that receives aid under section 49.19 of the statutes, as affected by this act.

(e) The corporation may not use money from the revolving fund for its operating or administrative expenses.

(f) 1. No funds appropriated under section 20.143 (1) (bg) of the statutes, as created by this act, may be expended until the corporation certifies to the secretary of administration that the corporation has received contributions to the revolving fund that are eligible under subdivision 2 for a match. After receiving the certification, the secretary of administration shall approve the expenditure of funds in an amount equal to the amount of contributions certified, subject to the terms of paragraph (b). Total funds expended may not exceed the total of the amounts in the schedule under section 20.143 (1) (bg) of the statutes, as created by this act, for fiscal year 1989-90 and fiscal year 1990-91.

2. Contributions to the revolving fund are eligible for a match if all of the following apply:

a. The contributions are from sources other than this state or a state agency, as defined in section 16.01 (1) of the statutes.

b. The contributions have not previously been counted to receive a match under subdivision 1.

c. The sum of the contributions for which a match is sought at least equals the lesser of \$50,000 or the amount remaining in the appropriation under section 20.143 (1) (bg) of the statutes, as created by this act.

(g) The corporation shall prepare 2 annual reports documenting the use of the money in the revolving fund and the impact of the fund on employment opportunities for women in this state. The corporation shall submit the annual reports on June 30, 1990, and June 30, 1991, to the governor and the chief clerk of each house of the legislature for distribution to the legislature in the manner provided in section 13.172 (2) of the statutes.

(h) This subsection does not apply after June 30, 1991.

(5tx) TECHNOLOGY POSITIONS.

(a) The authorized FTE positions for the department of ~~tourism and~~ development are increased by 2.0 GPR positions to be funded from the appropriation under section 20.143 (1) (e) of the statutes, as created by this act, for the purposes of administering sub-

Vetoed in Part

chapter IX of chapter 560 of the statutes, as created by this act.

Vetoed in Part (b) The authorized FTE positions for the department of tourism and development, funded from the appropriation under section 20.143 (1) (e) of the statutes, are increased by 2.0 GPR positions on July 1, 1990, for the purpose of administering subchapter IX of chapter 560 of the statutes, as created by this act.

(7g) TOURIST INFORMATION CENTER IN FLORENCE.

Vetoed in Part (a) The department of tourism and development shall make a grant of \$250,000 to partially fund the construction of a building in Florence county along USH 2 if the owner of the building funded by the grant permits the department to maintain a tourist information center in the building on terms acceptable to the department.

(b) The department shall fund the grant under paragraph (a) from the appropriation under section 20.143 (2) (r) of the statutes, as created by this act.

Vetoed in Part (7h) ETHNIC GROUP TRAVEL GRANTS.
(a) The department of tourism and development may make grants from the appropriation under section 20.143 (2) (bm) of the statutes, as created by this act, to groups whose members share an ethnic heritage and an interest in the customs, culture and history associated with that heritage, if the department determines that all of the following apply:

1. The proceeds of the grant will be used as partial funding for travel expenses associated with cultural exchange trips for the members of the group.

2. The group provides matching funds, in cash, at least equal to the amount of the grant.

(b) This subsection does not apply after June 30, 1990.

Vetoed in Part (7hn) TOURIST INFORMATION CENTER STAFF. From the appropriation under section 20.143 (2) (a) of the statutes, the department of tourism and development shall do all of the following:

Vetoed in Part (a) Spend \$4,400 in fiscal year 1989-90 and \$4,400 in fiscal year 1990-91 to provide limited term employees to staff the tourist information center in the city of Prairie du Chien beginning around April 1 in 1990 and 1991.

Vetoed in Part (b) Spend not more than \$35,000 in fiscal year 1989-90 and \$35,000 in fiscal year 1990-91 to provide limited term employees to staff the tourist information center to be located in or near the city of St. Croix Falls along USH 8 and for rent and other costs associated with operating that tourist information center.

(c) Spend not more than \$35,000 in fiscal year 1989-90 and \$35,000 in fiscal year 1990-91 to obtain, by contract, services related to tourist information at a facility located in or near the city of Prescott along USH 10.

Vetoed in Part (7i) AMERICAN INDIAN TRAVEL GRANTS.
(a) In this subsection, "Indian tribe" means a federally recognized American Indian tribe or band in this state.

Vetoed in Part (b) From the appropriation under section 20.143 (2) (b) of the statutes, as created by this act, the department of tourism and development may make grants to the governing bodies of Indian tribes, if the department determines that the proceeds of the grant will be used as partial funding for travel expenses of members of the Indian tribe associated with a tourism trade mission to West Germany.

(c) This subsection does not apply after June 30, 1990.

SECTION 3016. Nonstatutory provisions; educational communications board.

(1d) INSTRUCTIONAL TELECOMMUNICATIONS; REPORT. By January 1, 1990, the educational communications board shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes. The report shall include all of the following information:

(a) The nature and extent of the use of instructional telecommunications fixed service channels in existence at the time of the report.

(b) The anticipated number of transmission sites required to provide service throughout the state and the projected cost of doing so under various alternative methods.

(c) The likelihood of generating program revenue from the lease of any excess capacity and the potential for applying that revenue to the operation of the system.

(d) The timetable for statewide instructional telecommunications fixed service coverage.

(e) Any other information the educational communications board wishes to include.

SECTION 3018. Nonstatutory provisions; employee trust funds.

(5n) DEFERRED COMPENSATION BOARD; INITIAL APPOINTMENTS. Notwithstanding section 15.165 (4) of the statutes, as created by this act, the initial members of the deferred compensation board shall be appointed by the first day of the 4th month beginning after the effective date of this subsection for the following terms:

(a) One member, for a term expiring on July 1, 1990.

(b) One member, for a term expiring on July 1, 1991.

(c) One member, for a term expiring on July 1, 1992.

(d) Two members, for terms expiring on July 1, 1993.

SECTION 3020. Nonstatutory provisions; employment relations department.

(1n) LIMITATION ON DAY CARE CENTER. During the fiscal biennium ending on June 30, 1991, the department of employment relations may not expend more than \$50,000 from the appropriation under section 20.512 (1) (b) of the statutes, as affected by this act, for

grants to day care providers in Dane and Milwaukee counties.

(1p) **REPORT ON EMPLOYMENT OF AID RECIPIENTS.** In the report submitted to the legislature on or before September 30, 1989, under section 230.04 (13) (e) of the statutes, as created by this act, the department of employment relations shall include a description of each plan prepared by an agency under section 230.147 of the statutes, as affected by this act.

(2n) **OPERATING DAY CARE CENTER IN MADISON.** During the fiscal biennium ending on June 30, 1991, the department of employment relations may not make grants to an operating provider of day care services for the children of state employees in the city of Madison in excess of the \$35,000 appropriated under section 20.512 (1) (bm) of the statutes, as created by this act.

SECTION 3022. Nonstatutory provisions; governor.

(1g) GOVERNOR'S COMMITTEE ON STUDENT DEBT.

(a) There is created a governor's committee on student debt to study the problem of debt accumulated for educational purposes by graduate and professional degree students, undergraduate students, vocational, technical and adult education students and proprietary school students. The committee shall consist of at least 7 members appointed by the governor. The committee shall focus on Wisconsin resident students and former Wisconsin resident students in both public and private schools. The committee shall consider the incidence of bankruptcy and default on student loans among former students; institutional factors, if any, in the creation of student debt; and potential debt as an obstacle to the enrollment of minority students and as a deterrent to the pursuit of certain areas of study. The committee may study the appropriate role of the state in relation to individual private debt, but this paragraph does not imply that the state has any responsibility to relieve individual debt or to become a lender.

(b) The department of administration shall provide administrative services to the committee. In addition, the committee may call upon any state agency for the facilities and data of the agency, and those agencies shall cooperate with the committee to the fullest extent possible.

(c) The committee shall report its findings and recommendations to the governor, the speaker of the assembly and the president of the senate by February 15, 1991. The committee terminates on February 15, 1991.

(1r) **GREAT LAKES PROTECTION POSITION.** The authorized FTE positions for the office of the governor are increased by 1.0 GPR position to be funded from the appropriation under section 20.525 (1) (a) of the statutes to perform Great Lakes protection activities.

SECTION 3023. Nonstatutory provisions; health and social services.

(1) CREATION OF DEPARTMENT OF CORRECTIONS.

(a) *Assets and liabilities.* On the effective date of this paragraph, assets and liabilities of the department of health and social services relating to the administration of adult and juvenile corrections, probation and parole, as determined by agreement between the department of health and social services and the department of corrections, as created by this act, shall become the assets and liabilities of the department of corrections. In case of disagreement, the department of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(b) *Supplies and equipment.* Except as provided in paragraphs (c) and (d), on the effective date of this paragraph, all materials, supplies, furniture and capital equipment of the department of health and social services that are used primarily for the administration of adult and juvenile corrections, probation and parole, as determined by agreement between the departments of health and social services and corrections, are transferred to the department of corrections. In case of disagreement, the department of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(c) *Division supplies and equipment.* On the effective date of this paragraph, all materials, supplies and equipment of the department of health and social services that are used primarily for the probation and parole functions of the office of administrative hearings in the office of the secretary of health and social services, as determined by agreement between the department of health and social services and the division of corrections hearings in the department of administration, are transferred to the division of corrections hearings in the department of administration. In the case of disagreement, the department of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(d) *Commission supplies and equipment.* On the effective date of this paragraph, all materials, supplies and equipment of the department of health and social services that are used primarily for the functions of the parole board in the office of the secretary of health and social services, as determined by agreement between the department of health and social services and the parole commission, are transferred to the parole commission. In case of disagreement, the department of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(e) *Employee status.* Except as provided in section 230.337 of the statutes, as created by this act, employees transferred to the department of corrections, the parole commission or the division of corrections hearings in the department of administration have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of corrections, the commission or the division that they enjoyed in the department of

health and social services immediately prior to the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class may be required to serve a probationary period.

(f) *Records.* Except as provided in paragraphs (g) and (h), on the effective date of this paragraph, all records of the department of health and social services relating to matters that fall primarily under the jurisdiction of the administration of adult and juvenile corrections, probation and parole, as determined by agreement between the department of health and social services and the department of corrections, are transferred to the department of corrections. In case of disagreement, the department of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(g) *Division records.* On the effective date of this paragraph, all records of the office of administrative hearings in the office of the secretary of health and social services relating to probation and parole, as determined by agreement between the department of health and social services and the division of corrections hearings in the department of administration, are transferred to the division of corrections hearings in the department of administration. In case of disagreement, the department of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(h) *Commission records.* On the effective date of this paragraph, all records of the parole board in the office of the secretary of health and social services, as determined by agreement between the department of health and social services and the parole commission, are transferred to the parole commission. In case of disagreement, the department of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(i) *Rules and orders.* All rules and orders issued by the department of health and social services relating to the administration of adult and juvenile corrections, probation and parole that are in effect on the effective date of this paragraph shall remain in effect until their specified expiration date or until modified or rescinded by the department of corrections, the parole commission or the division of corrections hearings in the department of administration, acting under the authority granted by this act or until January 1, 1992, whichever is first.

(j) *Contracts.* All contracts entered into by the department of health and social services relating to the administration of adult and juvenile corrections, probation and parole, which are in effect on the effective date of this paragraph, remain in effect and are transferred to the department of corrections. Unless modified or rescinded, the contractual obligations shall be carried out by the department of corrections. All approvals of program or project applications, relating to the administration of adult and juvenile corrections, probation and parole, by the department of

health and social services remain in effect unless rescinded by the department of corrections.

(k) *Pending matters.* Except as provided in paragraphs (L) and (m), any matter pending with the secretary of health and social services on the effective date of this paragraph, relating to adult and juvenile corrections, probation and parole, is transferred to the department of corrections. All materials submitted to or actions taken by the secretary of health and social services with respect to the pending matter are deemed to have been submitted to or taken by the department of corrections.

(L) *Division pending matters.* Any matter relating to probation and parole pending with the office of administrative hearings in the office of the secretary of health and social services on the effective date of this paragraph is transferred to the division of corrections hearings in the department of administration. All materials submitted to or actions taken by the office of administrative hearings with respect to the pending matter are deemed to have been submitted to or taken by the division of corrections hearings in the department of administration.

(m) *Commission pending matters.* Any matter pending with the parole board in the office of the secretary of health and social services on the effective date of this paragraph is transferred to the parole commission. All materials submitted to or actions taken by the parole board with respect to the pending matter are deemed to have been submitted to or taken by the parole commission.

(n) *Collections.* On and after the effective date of this paragraph, the department of corrections may collect any amount payable under the statutes prior to the effective date of this paragraph for the cost of materials, activities or services provided by the department of health and social services relating to adult and juvenile corrections, probation and parole, and the amounts collected shall be credited to the applicable appropriations under chapter 20 of the statutes, as affected by this act.

(o) *Custody.* On the effective date of this paragraph, all persons in the custody of the department of health and social services as corrections inmates or clients, except for certain clients on aftercare, as determined by agreement between the department of health and social services and the department of corrections, are transferred to the custody of the department of corrections. In case of disagreement, the department of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(p) *Cooperation.* Immediately after the effective date of this paragraph, the department of health and social services and the department of corrections shall cooperate to the end that the transfer of functions provided by this act will be efficiently and effectively carried out.

(q) *Transfer of positions.* In addition to positions transferred under SECTION 3123 (1) (a) to (u), on Janu-

ary 1, 1990, all positions and the incumbents in the former division of corrections in the department of health and social services are transferred to the department of corrections.

(r) *Transfer of positions, change in funding source.* In addition to positions transferred under SECTION 3123 (1) (a) to (u), on January 1, 1990, 2.0 FTE PR positions and the incumbents in the division of management services in the department of health and social services funded from the appropriation under section 20.435 (8) (k) of the statutes, as affected by the acts of 1989, are transferred to the department of corrections, and the positions become 2.0 FTE GPR positions to be funded from the appropriation under section 20.410 (1) (a) of the statutes.

(1g) WISCONSIN RESOURCE CENTER. During the period beginning January 1, 1990, and ending June 30, 1990, the department of health and social services shall maintain at least the staff to inmate ratio at the Wisconsin resource center that was in effect July 1, 1989, with at least the same proportion of treatment staff to security staff.

(2g) INMATE COMPLAINT REVIEW. The inmate complaint review committee, formed by the department of health and social services, shall continue its examination of the inmate complaint review system. The department of justice shall appoint an attorney who handles prisoner complaint litigation to serve on that committee. The department of health and social services shall report to the joint committee on finance by November 1, 1989, describing the inmate complaint review committee's findings and the department's plan to resolve the problems identified by that committee.

(2h) CORRECTIONS LEGISLATION. By September 1, 1989, the department of health and social services shall submit to the joint committee on finance proposed legislation, effective January 1, 1990, doing all of the following:

(a) Placing all juvenile correctional positions, facilities and functions and all aftercare responsibility in the division of youth corrections in the department of health and social services.

(b) Placing all youth aids program positions and functions, including oversight responsibility, in the division of youth corrections in the department of health and social services.

(c) Placing the parole commission in the department of corrections, with the secretary of corrections having the appointing authority for the commissioners.

(2j) COMMUNITY RESIDENTIAL CONFINEMENT RULES.

(a) The department of health and social services or the department of corrections, whichever is applicable shall submit any proposed rules administering community residential confinement under section 46.046 of the statutes, as created by this act, to the legislative

council staff for review under section 227.15 (1) of the statutes no later than March 1, 1990.

(b) Using the procedure under section 227.24 of the statutes, the department of health and social services or the department of corrections, whichever is applicable shall promulgate rules administering community residential confinement under section 46.046 of the statutes, as created by this act, for the period prior to the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency. Notwithstanding section 227.24 (2) (a) of the statutes, the total period for all extensions granted by the joint committee for review of administrative rules of the effective period of a rule promulgated under this paragraph may not exceed 180 days.

(2k) TREATMENT PROGRAM AT ONE OR MORE JUVENILE CORRECTIONAL INSTITUTIONS. The department of health and social services shall submit a report on the effectiveness of the program under section 46.039 of the statutes, as created by this act, by January 1, 1991, to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided in section 13.172 (3) of the statutes.

(6s) GENERAL RELIEF CHECK CANCELLATION PILOT PROJECT.

(a) The general relief agency in Milwaukee county shall cause to be plainly printed or stamped on each check issued as a benefit payment under section 49.032 of the statutes words identifying the period for which the check is valid which may not exceed 60 days. Any check so designated that is not presented for payment within the designated period following the date of issuance may be canceled by the general relief agency on its records and the amount credited to the fund on which it was drawn and, except as provided under paragraph (b), the person entitled to the check forfeits the right to the payment under section 49.032 of the statutes.

(b) The general relief agency shall cause a new check to be issued to the person entitled to the check under paragraph (a) if the check was not presented for payment because it was lost, stolen or destroyed or because the entitled person was unable to present the check for payment within the designated time period because of incapacitating injury or illness. The burden is on the entitled person to prove that the check was lost, stolen or destroyed or that the entitled person had an incapacitating injury or illness.

(c) This subsection does not apply after June 30, 1991.

(7) ALLOCATION OF DAY CARE FUNDS TO COUNTIES. In fiscal year 1989-90, the department of health and social services shall allocate day care moneys provided to counties under section 46.40 (4) of the statutes, as

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affected by this act, in accordance with the following procedure:

(a) Estimate the allocation due each county by formula under section 46.98 (2) (b) of the statutes.

(b) Notwithstanding section 46.98 (2) (b) of the statutes, adjust the allocation provided to counties under paragraph (a) based on the county's aid to families with dependent children case load and day care waiting list information.

Vetoed
in Part

~~(70) ALLOCATION OF DAY CARE FUNDS TO HEAD START AGENCIES. In the 1989-91 fiscal biennium, the department of health and social services shall allocate \$250,000 to head start agencies for the provision of day care under section 46.981 of the statutes, as created by this act.~~

(8) EMPLOYMENT OPPORTUNITY DEMONSTRATION PROJECT FUNDS APPLICATIONS. The department of health and social services, the department of industry, labor and human relations or another appropriate state body shall assist a community action agency, as specified in section 46.30 (2) of the statutes, that requests assistance in applying for employment opportunity demonstration project funds under 42 USC 1315.

(8n) FAMILY SUPPORT PROGRAM EXPANSION. The department of health and social services shall expand the family support program under section 46.985 of the statutes into Marinette county in 1990.

(11n) MEDICAL ASSISTANCE FOR CHILDREN AND PREGNANT WOMEN; REPEALS. The repeal of 1987 Wisconsin Act 413, sections 29 and 35 by this act takes effect notwithstanding section 990.03 (1) of the statutes.

(12) RULES ON NURSING FACILITY REQUIREMENTS. The department of health and social services shall submit any proposed rules establishing a mechanism for hearing appeals; specifying an assessment instrument; establishing criteria for denial of payment, imposition of forfeitures, placement of a monitor or appointment of a receiver and closure of a facility; and establishing interest percentages as required under section 49.498 (14) of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than April 1, 1989.

(13) PROPOSED LEGISLATION REGULATING NURSING FACILITIES. If final regulations promulgated by the federal department of health and human services interpreting 42 USC 1396r as enacted in the omnibus budget reconciliation act of 1987 (P.L. 100-203) differ materially from proposed regulations with respect to assessments of civil monetary penalties in sections 49.498 and 49.499 of the statutes, as created by this act, or with respect to placement of a monitor or appointment of a receiver in section 49.498 of the statutes, as created by this act, and section 50.05 of the statutes, as affected by this act, the department of health and social services shall submit proposed legislation, not later than 30 days after promulgation of the final regulations, to the appropriate standing com-

mittees of the legislature, as designated by the presiding officer of each house, to address those changes. Using the procedure under section 227.24 of the statutes, the department of health and social services may promulgate rules which supersede, in whole or in part, sections 49.498 and 49.499 of the statutes, as created by this act, or the date under SECTION 3203 (23) (b) of this act, until such time as the legislature acts on the legislation submitted under this subsection or until the expiration of the effective period of the rule under section 227.24 (1) (c) or (2) of the statutes, whichever comes first. Notwithstanding section 227.24 (1) and (3) of the statutes, the department of health and social services is not required to make a finding of emergency for the rules.

(13an) CERTIFICATION. If before October 1, 1990, the federal government changes the general effective date of October 1, 1990, in 42 USC 1396r to a date that is earlier than October 1, 1990, the attorney general shall, within 60 days after the change takes effect, certify that fact to the revisor of statutes.

(14) RULES ON HEARINGS FOR FACILITY ADMISSION, PAYMENT DENIAL AND RESIDENT RELOCATION.

(a) The department of health and social services shall submit any proposed rules establishing standards for the conduct of hearings required under section 49.45 (6c) (f) of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than September 1, 1989.

(b) Using the procedure under section 227.24 of the statutes, the department of health and social services shall promulgate rules establishing standards for the conduct of hearings required under section 49.45 (6c) (f) of the statutes, as created by this act, for the period prior to the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency.

(c) The department of health and social services shall submit any proposed rules establishing criteria and procedures for a determination by the department that a facility resident be relocated, under section 49.45 (6c) of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than November 1, 1989.

(15) RULES ON TRANSFER OF EXEMPT RESOURCES.

(a) The department of health and social services shall submit any proposed rules to implement requirements concerning the transfer of resources that are exempt under 42 USC 1396p (c) (2), as specified in section 49.45 (17) (d) of the statutes, as affected by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than September 1, 1989.

(b) Using the procedure under section 227.24 of the statutes, the department of health and social services

shall promulgate rules to implement requirements concerning the transfer of resources that are exempt under 42 USC 1396p (c) (2), as specified in section 49.45 (17) (d) of the statutes, as affected by this act, for the period prior to the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency. Notwithstanding section 227.24 (2) (a) of the statutes, the total period for all extensions granted by the joint committee for review of administrative rules of the effective period of a rule promulgated under this paragraph may not exceed 180 days.

(15n) **MEDICAL ASSISTANCE HOSPICE COVERAGE REPORT.** The department of health and social services shall study the cost-effectiveness of providing coverage of hospice care under the medical assistance program and shall report the results of the study to the joint committee on finance on or before October 1, 1990.

(15p) **DAY TREATMENT SERVICES STUDY.** The department of health and social services shall study the delivery of alcohol and other drug abuse day treatment services under section 49.46 (2) (b) 6. k of the statutes, as affected by this act, the cost of medical assistance coverage of those services and the effect of medical assistance coverage of those services on the usage and cost of other alcohol and drug abuse services under the medical assistance program. The department shall submit its findings to the joint committee on finance by December 1, 1990.

(16) **COMMUNITY OPTIONS PROGRAM; ALZHEIMER'S DISEASE.** For services to persons with Alzheimer's disease who are eligible for services under section 46.27 (6r) (b) 1, 3 or 4 of the statutes, as affected by this act, the department of health and social services shall allocate from the appropriation under section 20.435 (7) (bd) of the statutes \$495,500 for the last 6 months of 1989, \$991,000 for 1990 and \$495,500 for the first 6 months of 1991.

(16n) **RULES ON JOB OPPORTUNITIES AND BASIC SKILLS PROGRAM.**

(a) The department of health and social services shall submit the proposed rules under section 49.50 (7b) (c) of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than December 1, 1989.

(b) Using the procedure under section 227.24 of the statutes, the department of health and social services shall promulgate rules under section 49.50 (7b) (c) of the statutes, as affected by this act, for the period prior to the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the stat-

utes, the department is not required to make a finding of emergency.

(16p) **EMPLOYMENT AND TRAINING LEGISLATION.** The department of health and social services shall submit to the appropriate standing committees of the legislature, as designated by the presiding officer of each house, proposed legislation to consolidate all provisions concerning employment and training for recipients of aid to families with dependent children no later than January 15, 1990.

(18) **FACILITY PAYMENT; NURSE'S ASSISTANT TRAINING.** Notwithstanding the limitations on facility payment rate increases in section 49.45 (6m) (ag) 8 of the statutes, as affected by this act, and the limitation on facility payment rate adjustments in section 49.45 (6m) (av) 5m of the statutes, as affected by this act, the department of health and social services may, for state fiscal years 1989-90 and 1990-91, in order to contribute to payment for training a facility's nurse's assistants as required under P.L. 100-203, supplement the facility's payment rate under section 49.45 (6m) (av) of the statutes, as affected by this act, by an amount determined by the department of health and social services.

~~(18a) FACILITY PAYMENT; LIMITATIONS.~~

~~(a) Except for a facility which receives in state fiscal year 1989-90 less than full reimbursement under section 49.45 (6m) of the statutes for the facility's applicable expenditures for nonadministrative staff wages, fringe benefits and hours, a facility that receives payment under section 49.45 (6m) of the statutes for applicable nonadministrative staff wages, fringe benefits and hours during state fiscal year 1989-90 shall increase the nonadministrative staff wages, fringe benefits and hours of the applicable employees of the facility by at least the lesser of the following:~~

~~1. The state fiscal year 1989-90 operating rate increase under section 49.45 (6m) (ag) 8 of the statutes.~~

~~2. The inflation factors under section 49.45 (6m) (ar) 1. b and 2. b of the statutes.~~

~~(b) Except for a facility which receives in state fiscal year 1990-91 less than full reimbursement under section 49.45 (6m) of the statutes for the facility's applicable expenditures for nonadministrative staff wages, fringe benefits and hours, a facility that receives payment under section 49.45 (6m) of the statutes for applicable nonadministrative staff wages, fringe benefits and hours during state fiscal year 1990-91 shall increase the nonadministrative staff wages, fringe benefits and hours of the applicable employees of the facility by at least the lesser of the following:~~

~~1. The state fiscal year 1990-91 operating rate increase under section 49.45 (6m) (ag) 8 of the statutes.~~

~~2. The inflation factors under section 49.45 (6m) (ar) 1. b and 2. b of the statutes.~~

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Vetoed in Part (c) Except as provided in paragraph (d), in order to ensure that a facility increased the nonadministrative staff wages, fringe benefits and hours of the nonadministrative employees of the facility as required under paragraphs (a) and (b), the department of health and social services shall review the facility's cost reports following state fiscal year 1989-90 and following state fiscal year 1990-91 and shall recover from the facility any part of the payment made under section 49.45 (6m) of the statutes that was not expended in accordance with the requirements of paragraphs (a) and (b).

(d) The department of health and social services shall waive recovery under paragraph (c) in the instances in which the department finds that recovery would result in undue financial hardship for a facility. The department of health and social services may consider a facility's operating deficit in determining undue financial hardship under this paragraph. The department of health and social services shall monitor the occurrence of undue financial hardship of a facility that would otherwise result from recovery under paragraph (c).

(18r) FACILITY PAYMENT; SUPPLEMENT. Notwithstanding the requirement for an annual update of the prospective payment system under section 49.45 (6m) (ag) (intro.) of the statutes and the limitations on facility payment rate increases in section 49.45 (6m) (ag) 8 of the statutes, the following shall apply:

Vetoed in Part (a) The department of health and social services may, for state fiscal year 1989-90, in order to permit a facility to receive increased payment for nonadministrative staff wages or fringe benefits, supplement facility payment rates under section 49.45 (6m) (av) of the statutes by an amount not to exceed, in the aggregate, \$1,500,000. Of this amount, up to \$225,000 may be paid to facilities for which the rates, including the supplement under this paragraph, are determined under section 49.45 (6m) (av) 4 of the statutes according to a method which the department shall determine and which shall consider the nonadministrative staff wage and fringe benefit of each qualifying facility.

Vetoed in Part (b) In order to assure that a supplement provided to a facility under paragraph (a) was expended for the purpose specified in paragraph (a), the department of health and social services may review the facility's cost reports following provision of the supplement and may recover from the facility any part of the supplement that was not expended in accordance with paragraph (a).

Vetoed in Part (c) In calculating a facility's payment rate for state fiscal year 1990-91, the department of health and social services shall include in the facility's base rate the amount of any supplement provided to the facility under paragraph (a), less any recovery made from the facility under paragraph (b).

(19) RULES ON PROTECTION OF INCOME AND RESOURCES OF COUPLE.

(a) The department of health and social services shall submit proposed rules for the administration of section 49.455 of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than January 1, 1991.

(b) Using the procedure under section 227.24 of the statutes, the department of health and social services shall promulgate rules for the administration of section 49.455 of the statutes, as created by this act, for the period prior to the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (2) (a) of the statutes, the total period for all extensions granted by the joint committee for review of administrative rules of the effective period of a rule promulgated under this paragraph may not exceed 180 days.

(20) GROUP HOME REVOLVING LOAN FUND RULES. The department of health and social services shall submit in proposed form rules required under section 46.976 (4) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 3rd month beginning after the effective date of this subsection.

(22b) FAMILY PLANNING SERVICES. From the appropriation under section 20.435 (1) (f) of the statutes, as affected by this act, the department of health and social services shall allocate funds in the following amounts, for the following services:

(a) For each of state fiscal years 1989-90 and 1990-91, \$225,000 to establish 2 city-based clinics for delivery of family planning services under section 146.80 of the statutes, in the cities of Milwaukee, Racine or Kenosha.

(b) For each of state fiscal years 1989-90 and 1990-91, \$67,500 to subsidize the provision by family planning agencies under section 146.80 of the statutes of papanicolaou tests to individuals with low income. In this paragraph, "low income" means adjusted gross income that is less than 200% of the poverty line established under 42 USC 9902 (2).

(c) For each of state fiscal years 1989-90 and 1990-91, \$54,000 to subsidize the provision by family planning agencies under section 146.80 of the statutes of follow-up cancer screening.

(d) For each of state fiscal years 1989-90 and 1990-91, \$31,500 as grants to applying family planning agencies under section 146.80 of the statutes for employment in communities of licensed registered nurses, licensed practical nurses, certified nurse-midwives or certified physician's assistants who are members of a racial minority.

(e) For each of state fiscal years 1989-90 and 1990-91, \$36,000 to initiate, in areas of high incidence of the disease chlamydia, education and outreach programs to locate, educate and treat individuals at high risk of contracting the disease chlamydia and their partners.

Vetoed in Part (22c) ADOLESCENT PREGNANCY PREVENTION SERVICES. From the appropriation under section 20.435 (7) (er) of the statutes, as created by this act, the department of health and social services shall allocate funds in the following amounts:

Vetoed in Part (a) To a county with a population of 500,000 or more, for each of state fiscal years 1989-90 and 1990-91, \$90,000 to a coalition of service providers of services related to adolescent pregnancy and pregnancy prevention, to operate a reduction of adolescent pregnancy program.

Vetoed in Part (b) To a county with a population of 500,000 or more, for each of state fiscal years 1989-90 and 1990-91, \$250,000 for the development and continued operation, in an area of high need as determined by the department, of an adolescent pregnancy prevention resource center to provide services including educational tutoring; counseling; recreational programming; comprehensive health care, including direct service or referral and follow-up for physical and mental health screening, assessment and treatment; family planning; employment skills training; job intake and placement support; family social services; alcohol and other drug abuse programming; and cultural enrichment activities.

Vetoed in Part (c) To a county with a population of 500,000 or more, for each of state fiscal years 1989-90 and 1990-91, \$50,000 to each of 2 organizations operated by members of a racial minority for members of that minority, to provide services related to adolescent pregnancy prevention and development of adolescent parenting skills.

Vetoed in Part (d) To applying communities other than in a county with a population of 500,000 or more with high incidences of adolescent pregnancy, as determined by the department, and in which there is development of a coalition of service providers of services related to adolescent pregnancy and pregnancy prevention, for each of state fiscal years 1989-90 and 1990-91, \$54,000 for grants for coalition building.

Vetoed in Part (e) To an applying organization in a 3rd class city in which, of total births in 1988 in the city, at least 18% were to women under the age of 20 and at least 40% were to unmarried or divorced women, for each of state fiscal years 1989-90 and 1990-91, \$27,000 for adolescent pregnancy prevention programs or pregnancy services.

(22n) COMMUNITY OPTIONS PROGRAM FISCAL MANAGEMENT RULES REPORT. By September 1, 1989, the department of health and social services shall submit a report to the chief clerk of each house of the legislature for distribution to the legislature in the manner provided under section 13.172 (2) of the statutes, concerning the department's timetable for promulgation of rules establishing procedures and standards for the community options program as required under section 46.27 (12) of the statutes.

(22p) HOME CARE RATE INCREASE AND STUDY.

(a) The department of health and social services shall increase to the following figures the rates established under section 49.45 (8) of the statutes and rates charged by providers under section 49.46 (2) (a) 4.d of the statutes who are not home health agencies, for reimbursement for respiratory care services for ventilator-dependent individuals under sections 49.46 (2) (b) 6. m and 49.47 (6) (a) 1 of the statutes, as affected by this act as follows:

1. For visits subsequent to an initial visit:
 - a. By a licensed registered nurse, to \$30 per hour.
 - b. By a licensed practical nurse, to \$20 per hour.
2. For extended visits:
 - a. By a licensed registered nurse, to \$30 per hour.
 - b. By a licensed practical nurse, to \$20 per hour.

(b) The department of health and social services shall study the effect of the increase of rates, as required under paragraph (a), on the availability and use of home care services for recipients of medical assistance who are minors and must breathe with the aid of ventilators and shall, by December 1, 1990, report its findings to the joint committee on finance.

Vetoed in Part (22r) HOSPITAL MEDICAL ASSISTANCE REIMBURSEMENT. From the total amount of reimbursement provided as an inflationary adjustment for state fiscal years 1989-90 and 1990-91 under section 20.435 (1) (b) of the statutes, as affected by this act, and section 20.435 (1) (a) of the statutes for inpatient and outpatient hospitals receiving reimbursement for care provided to medical assistance recipients, the department of health and social services shall in state fiscal years 1989-90 and 1990-91 apply to each inpatient and outpatient hospital to reimbursed a flat percentage increase in reimbursement.

(22x) ALCOHOL AND OTHER DRUG ABUSE EXPENDITURES FROM FEDERAL FUNDS. Within the limits of the availability of federal funds, the department of health and social services shall do all of the following:

(a) From the appropriation under section 20.435 (7) (ma) of the statutes, as affected by this act:

1. In each of state fiscal years 1989-90 and 1990-91 expend \$200,000 to continue the provision of training to members of racial minority groups for career development as alcohol and other drug abuse counselors.
2. In state fiscal year 1989-90 expend \$100,000 and in state fiscal year 1990-91 expend \$200,000 to establish a pilot alcohol and other drug abuse treatment program, within an existing alcohol and other drug abuse treatment program, for hearing-impaired individuals. The department shall provide a grant to an applying organization to develop and operate the pilot program and shall, at the end of state fiscal year 1990-91, evaluate the pilot program to determine its effectiveness in serving hearing-impaired alcohol or other drug abusers.

3. In each of state fiscal years 1989-90 and 1990-91 expend \$200,000 to fund programs of service by private, nonprofit organizations to combat alcohol and

other drug abuse problems in the inner-city areas of the cities of Madison, Racine, Beloit and Kenosha in this state.

4. In state fiscal year 1989-90 expend \$517,200 for one-year grants to community-based programs for alcohol and other drug abuse education and prevention programs for high-risk youth who fit within the definition of high-risk under 20 USC 3193 (b) (2). By December 1, 1989, the department shall submit to the joint committee on finance, for its review and approval under the procedures under section 16.515 of the statutes, a plan that outlines how the department proposes to expend alcohol and other drug abuse education and prevention funds in state fiscal year 1990-91. The plan shall include proposed funding for comprehensive programs that are coordinated with local schools, county social service agencies, law enforcement agencies and other alcohol and other drug abuse community organizations.

5. In each of state fiscal years 1989-90 and 1990-91 expend \$20,000 to fund a drug abuse resistance education program operated by a sheriff's department of a county with a population of at least 500,000.

6. In each of state fiscal years 1989-90 and 1990-91 expend \$50,000 for an adolescent alcohol and other drug abuse treatment center in Woodruff.

7. In state fiscal year 1989-90 expend \$100,000 to establish a revolving fund to make loans under section 46.976 (2) of the statutes, as created by this act, for establishing programs to provide housing for groups of individuals who are recovering from alcohol or other drug abuse.

(b) From the appropriation under section 20.435 (7) (mb) of the statutes, as affected by this act, in state fiscal year 1989-90 expend \$471,500 and in state fiscal year 1990-91 expend \$637,000 to expand activities of intravenous drug abuse prevention, outreach and treatment.

(c) From the appropriation under section 20.435 (6) (mc) of the statutes, as affected by this act, expend \$125,600 in state fiscal year 1989-90 and \$125,700 in state fiscal year 1990-91 to fund alcohol and other drug abuse research and evaluation as provided for under 1987 Wisconsin Act 339, section 107 (1).

(d) From the appropriation under section 20.435 (6) (m) of the statutes, as affected by this act, expend \$35,000 in state fiscal year 1990-91 to conduct a campaign using mass media communication, including public service announcements, to inform and educate minors, primarily those under the age of 12 years, in this state concerning the effects of alcohol and other drug abuse. Any public service announcements produced shall be designed to reach the greatest numbers of minors under the age of 12 years. The department of health and social services shall consult with the department of public instruction and the department of transportation for technical and other assistance in conducting the campaign under this paragraph.

~~(23n) LONG-TERM CARE SERVICES FORMULA. By September 1, 1990, the department of health and social services shall develop a formula to determine future needs in this state for publicly funded long-term care services and shall submit a report on the formula to the chief clerk of each house of the legislature for distribution to the legislature in the manner provided under section 13.172 (2) of the statutes.~~

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(23p) DOMESTIC ABUSE SERVICES.

(a) From the appropriation under section 20.435 (7) (cb) of the statutes, as affected by this act, the department of health and social services shall:

1. Provide \$80,700 in fiscal year 1989-90 and \$161,500 in fiscal year 1990-91 in increased funding to 9 shelter programs that were funded on June 1, 1989, such that each of the 9 shelter programs are funded by grants under section 46.95 of the statutes at a minimum level of \$55,000 in calendar years 1990 and 1991 and to provide increased funding to 9 crisis services programs that were funded on June 1, 1989, such that each of the 9 crisis services programs are funded by grants under section 46.95 of the statutes at a minimum level of \$25,000 in calendar years 1990 and 1991.

2. Provide \$52,500 in fiscal year 1989-90 and \$105,000 in fiscal year 1990-91 in increased funding to 21 domestic abuse programs for rural transportation, outreach and advocacy that were funded on June 1, 1989, by a grant under section 46.95 of the statutes such that each of the programs will receive an increase of \$5,000 in calendar years 1990 and 1991.

3. Provide \$50,000 in fiscal year 1989-90 and \$100,000 in fiscal year 1990-91 for grants to counties that did not have domestic abuse programs located within their boundaries on June 1, 1989, if all of the following requirements are met:

a. The county provides a 100% match to the grant.
b. The county does not use the grant to supplant any county funding that is being used for domestic abuse services.

4. Provide \$15,000 in fiscal year 1989-90 and \$30,000 in fiscal year 1990-91 to a domestic abuse shelter program in Ozaukee county that was funded on June 1, 1989, by a grant under section 46.95 of the statutes.

5. Provide \$165,000 in fiscal year 1989-90 and \$165,000 in fiscal year 1990-91 for domestic abuse shelter programs as follows:

a. Seventy-five thousand dollars in each fiscal year to the domestic abuse shelter program operated by the Lac du Flambeau band of the Lake Superior Chippewa Indians, notwithstanding section 46.95 (2) (d) 1 of the statutes.

b. Five thousand dollars in fiscal year 1989-90 and \$10,000 in fiscal year 1990-91 to a domestic abuse shelter program in Fond du Lac county.

bm. Eighty-two thousand five hundred dollars in fiscal year 1989-90 to fund 3 domestic abuse shelter programs that existed on June 1, 1989, but were not

funded by the state in fiscal year 1987-88 or fiscal year 1988-89.

c. Any remaining funds in each fiscal year to 2 domestic abuse shelter programs that are located in Langlade, Lincoln, Taylor or Price counties and that were either funded on June 1, 1989, at less than the minimum grant level or that were not funded under section 46.95 of the statutes on June 1, 1989.

6. Provide \$30,000 in fiscal year 1989-90 and \$30,000 in fiscal year 1990-91 to fund a pilot program to be administered by the domestic violence center in Manitowoc county. The pilot program shall provide direct services to children who have been physically, emotionally or sexually abused and to children who live in homes where there has been domestic violence between adults. Services provided by the pilot program shall include child care, intake, individual counseling, counseling through support groups and referral and coordination to other community services and resources.

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~~7. Allocate \$50,000 in fiscal year 1989-90 and \$50,000 in fiscal year 1990-91 to fund a domestic abuse transitional living program that existed on June 1, 1989, in north-central Wisconsin, notwithstanding section 46.95 (2) (d) 1 of the statutes.~~

(b) When the department of health and social services allocates funds under paragraph (a) 3, the department shall evaluate the geographic proximity of other domestic abuse services to the county that is applying for a grant.

(24n) PUBLIC SWIMMING POOL REVIEW RULES. The department of health and social services shall submit in final draft form any proposed rules to regulate the design and construction of public swimming pools as required for the purposes of section 140.051 of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than October 1, 1989.

(24p) SENIOR COMPANION AND RETIRED SENIOR VOLUNTEERS PROGRAMS. From the appropriation under section 20.435 (7) (dh) of the statutes, as affected by this act, the department of health and social services shall:

(a) Provide \$75,000 in fiscal year 1989-90 and \$150,000 in fiscal year 1990-91 to expand the 14 retired senior volunteers programs that were in existence on December 1, 1988.

(b) Notwithstanding section 46.85 (3m) (a) of the statutes, as affected by this act, provide \$18,000 in fiscal year 1989-90 and \$60,000 in fiscal year 1990-91 to fund 2 new retired senior volunteers programs that were not in existence on December 1, 1988, if the programs are modeled after the federal retired senior volunteers program under 42 USC 5001.

(c) Provide \$15,000 in fiscal year 1989-90 and \$30,000 in fiscal year 1990-91 to expand the 2 senior companion programs that were in existence on

December 1, 1988, one of which is operated by the Great Lakes inter-tribal council.

(24r) NUTRITIONAL COUNSELING FOR WOMEN, INFANTS AND CHILDREN. From the appropriation under section 20.435 (1) (em) of the statutes, the department of health and social services shall allocate all of the following for the following services to individuals eligible under section 146.185 of the statutes, as affected by this act:

(a) In state fiscal year 1989-90, \$23,800 and in state fiscal year 1990-91, \$47,600, for counseling programs to improve the nutritional status of pregnant women with high nutritional risks.

(b) In state fiscal year 1989-90, \$120,000 and in state fiscal year 1990-91, \$240,000, for counseling to families with infants and children with high nutritional risks.

(24x) IMPACT OF STATE RULES ON RURAL HOSPITALS; COMMITTEE; STUDY; REPORT.

(a) In this subsection:

1. "Hospital" has the meaning given under section 50.33 (2) of the statutes.

2. "Rural" means outside a metropolitan statistical area, as specified under 42 CFR 412.62 (ii) (A).

(b) The secretary of health and social services shall appoint a committee to study, under the supervision of the department of health and social services, the impact of this state's statutes and rules on rural hospitals in order to do all of the following:

1. Determine if the financial and administrative burden imposed by the statutes and rules could be relieved without compromising quality of care.

2. Identify rules promulgated by the department of health and social services for social services programs which impede the ability of rural hospitals to offer social services.

(c) The members of the committee appointed under paragraph (b) shall be all of the following:

1. A representative of a rural hospital cooperative incorporated under chapter 185 of the statutes.

2. A representative of the Wisconsin hospital association.

3. Two administrators of rural hospitals with fewer than 100 beds.

4. A representative of the office of rural health at the university of Wisconsin-Madison.

5. Two consumers of rural hospital health care services.

6. A representative of the department of health and social services who has expertise in the social services programs of the department.

7. A representative of the department of health and social services who has expertise in health programs, including familiarity with hospital regulation, health services consumer groups and health programs of other state agencies.

(d) By January 1, 1991, the department of health and social services shall submit a report on the statutory changes necessary to carry out any recommendations of the committee appointed under paragraph (b) to the chief clerk of each house of the legislature for distribution to the legislature in the manner provided in section 13.172 (2) of the statutes.

(e) The department of health and social services shall promulgate those rules that are necessary to effectuate any recommendations of the committee appointed under paragraph (b) and that do not require statutory changes.

(24z) RURAL CERVICAL CANCER TREATMENT TRAINING; STUDY.

(a) In this subsection, "nurse practitioner" means a registered nurse licensed under chapter 441 of the statutes, whose practice of professional nursing under section 441.11 (4) of the statutes includes performance of delegated medical services under the supervision of a physician, dentist or podiatrist.

(b) From the appropriation under section 20.435 (1) (cf) of the statutes, as created by this act, the department of health and social services shall allocate \$25,000 in each of state fiscal years 1989-90 and 1990-91 to applying organizations for the provision of specialized training of nurse practitioners to perform, in rural areas, colposcopic examinations and follow-up activities for treatment of cervical cancer.

(c) The department of health and social services shall study methods of expanding the use in rural areas nonphysician health care providers, including nurse practitioners, physician assistants, registered nurses and licensed practical nurses. By January 1, 1991, the department of health and social services shall submit a report on the study to the chief clerk of each house of the legislature for distribution to the legislature in the manner provided in section 13.172 (2) of the statutes.

(25n) ROBERT WOOD JOHNSON GRANT. If the department of health and social services does not receive the Robert Wood Johnson grant for mental health services for children and adolescents that it applied for in February of 1989, the positions and funding associated with the grant and authorized under this act shall be used for the provision of all of the following:

(a) Consultation to counties to improve the availability of community services for severely disturbed children and adolescents in the counties.

(b) Technical assistance to counties to identify and develop outpatient mental health services.

(c) Assistance in the development of the medical assistance waiver application for severely disturbed children.

(d) Technical assistance to a statewide network of local support groups for parents whose children have emotional or behavioral disabilities known as Wisconsin Family Ties.

(25e) STUDY ON INCREASING DIRECT NURSING CARE TO NURSING HOME RESIDENTS.

(a) In order to attempt to increase the amount of direct care that registered nurses, licensed practical nurses and nurse's assistants are able to provide to nursing home residents in this state, the department of health and social services shall study the components of and develop a proposal for implementation of pilot programs for nursing home care under which certain restrictions on nursing care could be eased and which would include all of the following:

1. The use of nursing plans of treatment.
2. The development of computer-generated systems related to nursing care that include plans of treatment, assignment lists and other patient management information systems.

(b) By September 1, 1990, the department of health and social services shall submit a report on the study and a developed proposal concerning implementation of the pilot programs specified in paragraph (a) to the chief clerk of each house of the legislature for distribution to the legislature in the manner provided under section 13.172 (2) of the statutes.

(26n) TARGETED GROUPS FOR COMMUNITY OPTIONS PROGRAM SERVICES.

(a) Except as provided in paragraph (b), the department of health and social services shall ensure that at least 50% of the number of persons who receive services under section 46.27 (7) (b) 1m of the statutes, under the funds that are allocated under section 46.27 (7) (b) 1m of the statutes for state fiscal year 1989-90 and state fiscal year 1990-91 and that constitute an increase over funds allocated for state fiscal year 1988-89 in order to initially serve additional persons, are chronically mentally ill persons or developmentally disabled persons.

(b) The department of health and social services may not implement the requirement under paragraph (a) if implementation, on a county-by-county basis, conflicts with the requirements of section 46.27 (3) (c) of the statutes.

(26s) COMMUNITY OPTIONS PROGRAM FORMULA REPORT.

(a) By July 15, 1990, the department of health and social services shall, in consultation with advocacy representatives for elderly, physically disabled, developmentally disabled, chronically mentally ill and chemically dependent persons, develop a formula to be implemented beginning with state fiscal year 1991-92 for distribution of community options program services among the groups specified under section 46.27 (4) (a) 1. a to e of the statutes from the general purpose revenues for the community options program that are allocated for a state fiscal year following state fiscal year 1990-91 and that exceed the amount of general purpose revenues for the community options program that are allocated for state fiscal year 1990-91 in order to initially serve additional persons. The formula shall annually identify the number of new per-

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sons in each group under section 46.27 (4) (a) 1. a to e of the statutes needing services and shall consider factors including the need for new institutional alternatives for each group, demographic changes and technological developments affecting each group.

(b) By July 15, 1990, the department of health and social services shall submit a report on the formula developed under paragraph (a) to the chief clerk of each house of the legislature in the manner provided under section 13.172 (2) of the statutes.

(26w) LYME DISEASE PROJECT.

(a) Before July 1, 1991, from the appropriation under section 20.435 (1) (cu) of the statutes, the department of health and social services shall allocate \$10,000 to each of 5 counties in this state having the greatest number of residents with confirmed diagnoses of Lyme disease.

(b) A county that is allocated funds under paragraph (a) shall distribute the money to county or city-county health departments, county health commissions or committees or city, village or town boards of health within the county for testing and screening for the presence of Lyme disease.

(26x) MEDICAL ASSISTANCE COVERAGE OF ADULT DAY CARE SERVICES.

(a) The department of health and social services shall study all of the following with respect to the implementation of adult day care coverage under the medical assistance program in this state:

1. A comparative summary of the extent of services and expenditures for adult day care under the medicare programs of other states.

2. The fiscal effect of implementing adult day care coverage under the medical assistance program in this state.

3. The effect in this state of integrating adult day care services with existing long-term care services.

4. Licensure and certification requirements for adult day care service providers.

(b) The department of health and social services shall, by December 1, 1990, report to the joint committee on finance the findings of the study under paragraph (a) and present to the joint committee on finance the department's recommendations regarding the implementation of adult day care coverage under the medical assistance program.

(28w) RUNAWAY SERVICES. From the appropriation under section 20.435 (7) (ew) of the statutes, as created by this act, the department of health and social services shall allocate \$50,000 in fiscal year 1989-90 and \$100,000 in fiscal year 1990-91 to maintain the 25 runaway services programs that existed in this state on June 1, 1989.

(29p) GUARDIAN REPORT STUDY. The department of health and social services shall obtain from county departments designated under section 55.02 of the statutes copies, at random, of annual reports of guardians of incompetent individuals that are required to be

submitted to the county departments under section 880.38 (3) of the statutes. The department of health and social services shall study these reports to assess the extent of compliance by guardians with the requirements of section 880.38 (3) of the statutes and, by March 1, 1990, shall submit a report on its findings to the chief clerk of each house of the legislature for distribution to appropriate standing committees of the legislature in the manner provided under section 13.172 (3) of the statutes.

(29q) CONTINUATION COVERAGE PREMIUM SUBSIDIES, RULES AND REPORT.

(a) The department of health and social services shall submit the proposed rules required under section 146.024 (6) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than January 1, 1990.

(b) Using the procedure under section 227.24 of the statutes, the department of health and social services shall promulgate the rules required under section 146.024 (6) of the statutes, as created by this act, for the period prior to the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency.

(c) Notwithstanding section 227.24 (1) and (3) of the statutes, the department of health and social services may use the procedure under section 227.24 to promulgate the rules permitted under section 146.024 (5) of the statutes, as created by this act, without making a finding of emergency. Any rule promulgated under this paragraph remains in effect for the period authorized under section 227.24 (1) (c) and (2) of the statutes or until a corresponding rule is promulgated using the procedure under sections 227.15 to 227.22 of the statutes, whichever is earlier.

(d) The department of health and social services shall evaluate the program established under section 146.024 of the statutes, as created by this act, and shall submit its findings and recommendations, by January 1, 1991, to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided in section 13.172 (3) of the statutes. The department shall examine, among other issues relating to the effectiveness of the program, whether the payment of premium subsidies for continuation coverage under group health plans has an impact on the following:

1. The accessibility of health care to individuals with HIV infection.

2. The amount expended under the state's medical assistance program for individuals with HIV infection.

(29r) NURSE'S ASSISTANT AND HOME HEALTH AID TRAINING PROGRAMS. From the appropriation under section 20.435 (1) (b) of the statutes, the department of

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Vetoed in Part health and social services shall transfer \$130,000 in state fiscal year 1989-90 to the appropriation under section 20.292 (1) (ka) of the statutes, to provide funding for vocational, technical and adult education district boards to develop and distribute satellite television instructional programs and programs for communication by other media under SECTION 3057 (3a) of this act.

(30g) MODEL CONTRACT OF ADMISSIONS FOR NURSING HOMES.

(a) In this subsection, "contract of admission" means the contract and any other document that a resident or his or her representative must sign at the time of, or as a condition of, admission to a nursing home.

(b) The department of health and social services shall convene a task force with the department of justice, which shall, by July 1, 1990, draft in final form a model contract of admission that is readily understandable by nursing home consumers for use as a standard contract by nursing homes. In drafting the model contract of admission, the task force shall consult with the public records and forms board under section 15.105 (4) of the statutes.

(30n) TERMINATION OF PARENTAL RIGHTS CASES. From the appropriation under section 20.435 (6) (a) of the statutes, the department of health and social services shall:

(a) Expend \$10,000 in each of state fiscal years 1989-90 and 1990-91 for the provision of training and technical assistance to county corporation counsels on the process of termination of parental rights cases.

(b) Expend \$15,000 in each of state fiscal years 1989-90 and 1990-91 to contract with an attorney who shall provide legal services to reduce the backlog of termination of parental rights cases in this state.

Vetoed in Part (30r) EMERGENCY MEDICAL TRANSPORTATION SERVICES. The department of health and social services shall allocate the funding under section 20.435 (1) (b) of the statutes, as affected by this act, so that the department increases the rate of reimbursement for emergency medical transportation services under the medical assistance program by a total of 6% for the 1989-91 fiscal biennium over the rate of reimbursement in state fiscal year 1987-88. The department of health and social services shall determine the reduction in reimbursement for other services funded under section 20.435 (1) (b) of the statutes in order to accomplish the increase required under this subsection.

(30w) THREE-QUARTERS HOUSE FUNDING. From the appropriation under section 20.435 (7) (ca) of the statutes, as created by this act, the department of health and social services shall, by June 30, 1990, allocate \$50,000 to Blandine House, Inc., for the building or purchase of a residence to serve as a transitional living arrangement known as a three-quarters house, for up to 8 male recovering alcohol abusers who have completed alcohol abuse treatment in institutional and halfway-house settings.

Vetoed in Part (30x) HEALTH CENTERS RENOVATION. From the appropriation under section 20.435 (1) (eb) of the statutes, the department of health and social services shall, before July 1, 1990, allocate \$250,000 to renovate the Isaac Coggs health center and the Johnston community health center, located in a 1st class city in this state.

(31n) NURSE'S ASSISTANT TRAINING COST COMPARISON AND REPORT. The department of health and social services, in consultation with institutions of higher education in this state that provide programs of instruction for individuals in or obtaining training for health occupations, shall develop a cost comparison, by program of instruction and by individual receiving instruction, of the training required for nurse's assistants under 42 USC 1396r (b) (5) and (e) 1. By February 1, 1990, the department of health and social services shall submit a report, to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under section 13.172 (3) of the statutes, on the developed cost comparison, the number of nursing home staff statewide who are trained as nurse's assistants and the rate of attrition from the profession of nurse's assistants in 1989.

Vetoed in Part (31p) EARLY INTERVENTION PROGRAM. Notwithstanding the standard specified under section 227.24 (1) (a) of the statutes, the department of health and social services shall promulgate rules to specify the risk assessment instrument under section 46.261 (1) (b) and (2) of the statutes, as created by this act, and to establish the criteria under section 46.261 (4) (b) of the statutes, as created by this act, as emergency rules under section 227.24 (1) (a) of the statutes.

(31x) SECOND-CHANCE PROGRAM. From the appropriation under section 20.435 (7) (bc) of the statutes, the department of health and social services shall allocate \$49,000 in fiscal year 1989-90 to the county department under section 46.23 of the statutes in Winnebago county for the second-chance program. The county department under section 46.23 of the statutes shall provide educational services, in conjunction with the Oshkosh area school district, to 5th through 9th grade students who have been adjudicated delinquent.

(31z) RURAL PRIMARY HEALTH CARE DEMONSTRATION PROJECT; RULES; STUDY.

(a) The department of health and social services may seek approval from the federal department of health and human services for federal medicaid reimbursement for the establishment of a rural primary care demonstration project in this state and, if it does seek approval, shall, within 3 months after the granting of the approval, if any, establish the demonstration project in a medically underserved rural community of this state, as determined by the department of health and social services. The demonstration project shall be staffed by licensed registered nurses who have obtained from a professional school of nursing a master's degree with a clinical emphasis or by nurse practitioners who meet one of the requirements

specified in section HSS 105.20 (2) (b) 1 to 3, Wisconsin administrative code.

(b) If the approval under paragraph (a) is granted:

1. The department of health and social services shall submit proposed rules for the establishment of standards and protocols of service of the rural primary health care demonstration project to the legislative council staff for review under section 227.15 (1) of the statutes by the date that is no later than 6 months after the date on which the approval is granted; and

2. Using the procedure under section 227.24 of the statutes, the department of health and social services shall promulgate rules for the establishment of standards and protocols of service of the rural primary health care demonstration project for the period prior to the effective date of the rules submitted under subdivision 1, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency.

(c) The department of health and social services shall monitor the cost-effectiveness, quality of care and acceptance by the rural community of the rural primary health care demonstration project, if its establishment is approved, and shall, by July 15, 1991, submit a report concerning the cost-effectiveness, quality of care and acceptance by the rural community to the chief clerk of each house of the legislature for distribution to appropriate standing committees of the legislature, in the manner provided under section 13.172 (3) of the statutes.

(31za) RURAL PRIMARY HEALTH CARE DEMONSTRATION PROJECT POSITION. The authorized FTE positions for the department of health and social services are increased by 0.5 FED project position funded from the appropriation under section 20.435 (1) (o) of the statutes, for the performance of duties related to establishing a rural primary care demonstration project under subsection (31z).

SECTION 3025. Nonstatutory provisions; higher educational aids board.

(1g) NURSING STUDENT STIPEND LOANS. In the 1989-90 fiscal year, the higher educational aids board shall give priority in awarding nursing student stipend loans under section 39.39 of the statutes to eligible nurses who are enrolled in postsecondary institutions located in rural communities and to eligible nurses who are enrolled in postsecondary institutions with large minority group enrollments.

SECTION 3026. Nonstatutory provisions; historical society.

(1d) PRESERVATION OF HOMES DESIGNATED NATIONAL HISTORIC LANDMARKS.

(a) Before July 1, 1991, in conjunction with a regular quarterly meeting of the joint committee on finance under section 13.10 of the statutes, the historical society shall submit a proposal to the joint com-

mittee on finance for the expenditure of \$150,000 for the purpose of planning and developing private funding sources to preserve homes designated as national historic landmarks and to provide for public access to the homes. The proposal shall identify the potential for state involvement in the restoration or renovation of the homes.

~~(b) In the historical society's proposal under paragraph (a), the historical society shall assure the committee that any organization selected to receive the funds under paragraph (a) to preserve, maintain and operate the homes has agreed to do all of the following:~~

~~2. Include members of the legislature on its board or other governing body~~

~~3. If its board or other governing body includes state public officials, ensure that they are nominated by the governor and appointed with the advice and consent of the senate. In this subdivision, "state public official" has the meaning given in section 19.42 (14) of the statutes, but does not include elective state officials, as defined in section 13.62 (6) of the statutes.~~

(c) The historical society shall identify in its proposal any statutory changes necessary to accomplish the recommendations under paragraphs (a) and (b).

(d) Notwithstanding section 20.865 (4) (a) of the statutes, if the joint committee approves the proposal, it shall pay the historical society the amount requested under paragraph (a) from the appropriation under section 20.865 (4) (a) of the statutes.

(1g) TEMPORARY AND TRAVELING MUSEUM EXHIBITS. Of the amounts appropriated to the state historical society under section 20.245 (5) (a) of the statutes, the state historical society shall allocate \$13,400 in the 1989-90 fiscal year and \$13,400 in the 1990-91 fiscal year for limited-term employee assistance in the design, fabrication or installation of temporary or traveling museum exhibits. The state historical society may not spend or encumber such funds without the approval of the secretary of administration. The secretary of administration shall approve only if the state historical society obtains a gift or grant for the design, fabrication or installation of temporary or traveling museum exhibits.

SECTION 3028. Nonstatutory provisions; industry, labor and human relations.

(2n) LABOR AND MANAGEMENT COUNCIL. Notwithstanding the length of terms specified in section 15.227 (17) (b) (intro.) of the statutes, as affected by this act, of the members of the labor and management council initially appointed to the 4 additional positions under section 15.227 (17) (b) 1 and 2 of the statutes, as affected by this act, the governor shall designate one of the members to serve a term expiring on July 1, 1991; one to serve a term expiring on July 1, 1992; one to serve a term expiring on July 1, 1993; and one to serve a term expiring on July 1, 1994.

(3g) SCHOOL BUILDING CODES; RULES.

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(a) The department of industry, labor and human relations shall submit the proposed rules under section 101.12 (6) (b) of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than December 1, 1989.

(b) Using the procedure under section 227.24 of the statutes, the department of industry, labor and human relations shall promulgate rules under section 101.12 (6) (b) of the statutes, as created by this act, by September 1, 1989. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency.

(3h) SCHOOL BUILDING INSPECTIONS; REPORT. The department of industry, labor and human relations shall prepare a plan for the inspection of all public schools constructed since January 1, 1950, to determine whether they comply with applicable building codes and with life-safety plans established under section 101.12 (6) (b) of the statutes, as created by this act. The plan shall include a schedule for initial inspections and compliance checks and provide for regular inspections thereafter. By January 1, 1990, the department shall submit the plan to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes.

(3n) FAIR HOUSING LEGISLATION. On or before September 1, 1989, the department of industry, labor and human relations shall submit to the presiding officer of each house of the legislature proposed legislation revising this state's fair housing law to comply with recent changes to the federal fair housing law by the fair housing amendments act of 1988, P.L. 100-430.

(3x) JOB CENTER PILOT PROJECTS.

(a) In this subsection, "job center" means an office or similar location where individuals help employers find qualified employees and help individuals seeking employment prepare for and start employment.

(b) The department of industry, labor and human relations, the department of health and social services, the state board of vocational, technical and adult education and other appropriate state bodies shall cooperate to develop and maintain job center pilot projects which demonstrate how to improve the quality and efficiency of employment and training services by consolidating or coordinating related functions performed by state, local and private bodies.

(c) The department of industry, labor and human relations shall seek proposals from groups of public and private employment and training bodies for job center pilot projects. The department of industry, labor and human relations shall establish eligibility criteria for participation in proposing and operating job centers. The local body responsible for administering the federal job training partnership act, 29 USC 1501 to 1791j, and the subunit of the department of industry, labor and human relations responsible for the provision of employment services under section

101.23 of the statutes shall participate in each proposal and the operation of each job center. The department of industry, labor and human relations may require the inclusion of other specified bodies in proposing and operating job centers.

(d) From the amounts appropriated under section 20.445 (1) (c) of the statutes, as created by this act, the department of industry, labor and human relations may use \$100,000 to fund grants for planning and starting 3 new job center pilot projects.

(e) No later than November 1, 1990, the department of industry, labor and human relations shall submit a report discussing job center pilot projects to the governor and the chief clerk of each house of the legislature for distribution to the presiding officer of that house in the manner provided in section 13.172 (3) of the statutes.

(f) This subsection does not apply after June 30, 1991.

SECTION 3029. Nonstatutory provisions; insurance.

(1) LONG-TERM CARE INSURANCE; STUDY.

(a) From the appropriation under section 20.145 (1) (g) of the statutes, the commissioner of insurance shall study and make recommendations regarding the feasibility of all of the following:

1. Developing a program under which the state would offer reinsurance to insurers that offer in this state long-term care insurance policies meeting certain standards established by the commissioner of insurance.

2. Developing a program under which the state would make subsidies available to consumers for the purpose of purchasing and continuing long-term care insurance policies. The commissioner of insurance shall consider, among other options, a premium subsidy, a deductible subsidy and an inflation subsidy to assist persons whose long-term care insurance policy premium has increased over time relative to his or her income.

3. Making changes to the tax laws to create incentives for employers, employees and others to purchase long-term care insurance.

(b) In conducting the study and preparing the recommendations, the commissioner of insurance shall consult with the department of revenue, the department of health and social services, business and community leaders and consumer advocates. The commissioner of insurance may contract with tax and actuarial experts as is necessary to conduct the study and prepare the recommendations.

(c) If the commissioner of insurance determines that changes in the statutes or rules are necessary to implement the commissioner's recommendations, the recommendations shall include proposed legislation or rules, or both, reflecting those changes. The commissioner of insurance shall, by the first day of the 9th month beginning after the effective date of this paragraph, submit the recommendations to the governor

and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided in section 13.172 (3) of the statutes.

(2) LONG-TERM CARE INSURANCE; RULES. The commissioner of insurance shall submit the proposed rules required under sections 632.82 and 632.897 (4) (bm) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 9th month beginning after the effective date of this subsection.

(2p) UNDERGROUND PETROLEUM PRODUCT STORAGE TANK SYSTEM INSURANCE STUDY. The commissioner of insurance shall study the availability and cost of insurance for owners and operators of underground petroleum product storage tank systems, including petroleum product storage tank systems that comply with the federal technical requirements under 40 CFR 280.10 to 280.111 and systems for which the owners or operators have conducted cleanups of any discharges, in this state and nationwide. The commissioner of insurance shall estimate the differences in the cost of insurance for owners and operators of underground petroleum product storage tank systems if the maximum award under section 101.143 of the statutes for each occurrence was \$200,000, \$300,000 or \$400,000. The commissioner of insurance shall also study actions taken by other states in response to the problem of establishing financial responsibility for owners and operators of underground petroleum product storage tank systems. The commissioner of insurance shall make recommendations regarding the appropriate role of this state, if any, in providing insurance for owners and operators of underground petroleum product storage tank systems. The commissioner of insurance shall submit the findings and recommendations to the presiding officer of each house of the legislature by January 1, 1990.

(3n) INSURER INVESTMENTS; RULES. The commissioner of insurance shall promulgate rules under section 620.22 (8) of the statutes permitting an insurer subject to chapter 620 of the statutes to invest its assets in direct obligations of the African development bank. The rule shall allow an insurer to invest in direct obligations of the African development bank to the same extent that the insurer is permitted by rule to invest in direct obligations of the international bank for reconstruction and development, the inter-American development bank and the Asian development bank. The commissioner of insurance shall submit the proposed rules to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 6th month beginning after the effective date of this subsection.

Vetoed in Part (3p) PROPERTY INSURANCE AND PERFORMANCE BOND FUNDS.

(a) The commissioner of insurance shall design programs to assist certain disadvantaged businesses to obtain property and casualty insurance and perform-

ance bonds. The commissioner of insurance shall submit a plan describing the proposed programs to the joint committee on finance by January 1, 1991.

~~(b) The commissioner of insurance shall design a program to assist certain businesses to obtain property and casualty insurance from commercial insurers. The program shall be aimed at assisting businesses which, because of their location or for other reasons, have difficulty obtaining property and casualty insurance in the private market or must pay significantly more for coverage than comparable businesses located elsewhere in the state. The program shall be designed to include a fund that will pay a portion of the losses suffered by eligible businesses that are of the type generally covered by commercial property and casualty insurance policies. The remaining amount of the losses will be covered by private insurance.~~

~~(c) The commissioner of insurance shall design a program to assist certain businesses to obtain from surety companies performance bonds required in connection with the operations of their businesses. The program shall be aimed at assisting businesses which, because of their limited collateral or for other reasons, have difficulty in obtaining performance bonding. The program shall be designed to include a fund that will reduce the exposure of surety companies that issue bonds to eligible businesses, by guaranteeing a portion of the risk on those bonds that is not secured by collateral of the business.~~

~~(d) In designing the programs under paragraphs (b) and (c), the commissioner of insurance shall consider all of the following issues:~~

~~1. The eligibility requirements for businesses under each program.~~

~~2. The source of moneys for each fund, including participation by the state, local governments, and insurers and other businesses.~~

~~3. Whether the funds should be managed by third-party administrators.~~

~~4. The state agency best suited to administer each program.~~

~~5. With respect to the program described in paragraph (b), the maximum amounts paid by the fund for each loss, for aggregate losses of each participating business and for aggregate losses of all participating businesses.~~

~~6. With respect to the program described in paragraph (c), the maximum amount guaranteed with respect to each bond backed by the fund and the maximum aggregate amount guaranteed by the fund.~~

~~(e) From the appropriation under section 20.145 (1) (g) of the statutes, the commissioner of insurance may contract with consultants for technical expertise necessary to design the programs under this subsection and may pay for other costs associated with designing the programs and preparing the plan required under this subsection.~~

Vetoed in Part

(f) The plan submitted to the joint committee on finance under paragraph (a) shall include all of the following information:

1. A detailed description of the programs.
2. Identification of statutory and rule changes necessary to implement the programs.
3. Any other information considered relevant by the commissioner of insurance.

Vetoed in Part ~~SECTION 3030. Nonstatutory provisions; investment board.~~

~~(1a) EMPLOYE COMPENSATION ADJUSTMENTS. Of the moneys appropriated to the investment board under section 20.536 (1) (k) of the statutes, as affected by the acts of 1989, \$130,000 in fiscal year 1989-90 and \$130,000 in fiscal year 1990-91 is allocated for employee compensation adjustments and may not be expended until the joint committee on finance approves expenditure of the moneys.~~

~~(1b) PRICING OF INVESTMENT SERVICES. Of the moneys appropriated to the investment board under section 20.536 (1) (k) of the statutes, as affected by the acts of 1989, \$165,000 in fiscal year 1989-90 and \$165,000 in fiscal year 1990-91 is allocated for pricing of investment services and may not be expended until the joint committee on finance approves expenditure of the moneys.~~

SECTION 3034. Nonstatutory provisions; justice.

Vetoed in Part (1) TRUST FUND LOANS; LEGISLATIVE INTENT. The legislature finds and declares that it is in the public interest for the board of commissioners of public lands to make loans from state trust funds available to local governmental units on reasonable terms, that it is in the public interest to improve the return on investment of the loans, and that sale of the loans by the board may allow the board to make additional loans available to local governmental units or may improve the return on investment of the loans without endangering the safety of the principal, and is therefore in the public interest.

Vetoed in Part ~~(1bb) LITIGATION. The department of justice is requested under section 165.25 (1) of the statutes to make this state a plaintiff in the suit that the citizens utility board filed against certain telecommunications companies which have imposed a surcharge to flow through the state's gross receipts tax to Wisconsin customers.~~

(1cg) CRIME VICTIMS; COUNTY REIMBURSEMENT. The department of justice shall study means to limit reimbursable county costs under section 950.06 (2) of the statutes, as affected by this act, including limiting reimbursement to costs for which the counties receive prior approval from the department. The department shall submit its findings and recommendations to the chief clerk of each house of the legislature for distribution to the legislature in the manner provided under section 13.172 (2) of the statutes by January 1, 1990.

(1cm) CRIME VICTIMS; PAYMENTS TO COUNTIES. The department shall study restructuring the administration of state payments to counties for the enforcement

of rights and the provision of services under chapter 950 of the statutes so that the funding would be provided by grants rather than reimbursements. The department shall submit its findings and recommendations to the chief clerk of each house of the legislature for distribution to the legislature in the manner provided under section 13.172 (2) of the statutes by January 1, 1990.

(1cr) CRIME VICTIMS; NOTIFICATION. The department of justice, in conjunction with the department of health and social services and the crime victims council in the department of justice, shall develop procedures to notify victims of the releases of defendants and perpetrators and seek the implementation of these procedures through legislation during the 1989-90 regular legislative session.

(1h) AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM; REPORT. The department of justice shall enter into a contract with a consultant to study the most cost-effective and efficient procedure to establish a state automated fingerprint identification system. In conducting the study, the consultant must examine the estimated costs of equipment, personnel and building space for a system shared with the city of Milwaukee or other states; issues related to the administration of a shared system, including the responsibility for management control and establishment of system priorities; means by which the costs of establishing, operating and maintaining one system could be shared between the state and either the city of Milwaukee or other states; and the extent to which separate systems could be designed and operated to be compatible, in order to minimize costs or increase effectiveness of the systems. The department shall submit a report of the consultant's study to the joint committee on finance and the department of administration before March 1, 1990.

Vetoed in Part ~~(1i) AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM; CONSULTANTS AND BUILDING SPACE. Of the amounts appropriated to the department of justice under section 20.455 (2) (a) of the statutes, the department may not expend \$75,000 in fiscal year 1989-90 and \$240,000 in fiscal year 1990-91 for consultant costs and building space renovations relating to an automated fingerprint identification system until the expenditure has been approved by the joint committee on finance.~~

SECTION 3035. Nonstatutory provisions; legislature.

(1) AUDIT OF HANDICAPPED EDUCATION PROGRAMS AND COSTS. The legislative audit bureau is requested to conduct a financial and performance evaluation audit of school district handicapped education programs and costs. The bureau is requested to include on-site reviews in at least 10 school districts in its audit. The bureau is requested to submit a report summarizing the results of the audits to the committees specified under section 13.94 (1) (b) of the statutes by February 1, 1990.

(1bx) AUDIT OF DEPARTMENT OF NATURAL RESOURCES ADMINISTRATIVE SERVICES PROGRAM. The legislative audit bureau shall conduct a financial and performance audit of the allocation of segregated funding for the department of natural resources administrative services program and submit a report summarizing the results of the audit to the committees specified under section 13.94 (1) (b) of the statutes by March 1, 1990.

(1c) LOWER WISCONSIN STATE RIVERWAY AUDIT. The legislative audit bureau shall conduct a performance evaluation audit of the lower Wisconsin state riverway board. The audit shall cover the first 2 years of the operation of the board. The legislative audit bureau shall submit a report of its audit to the distributees specified in section 13.94 (1) (b) of the statutes within 6 months after the completion of the first 2 years of operation of the board.

(1g) AUDIT OF WISCONSIN HOME FOR VETERANS. The joint legislative audit committee is requested to direct the legislative audit bureau to conduct a performance evaluation audit of the Wisconsin veterans home at King before June 30, 1991. The audit shall determine if contracting for services provided at the home is feasible and would be cost-effective, what services should be contracted for, what cost savings could be realized, and if the subunit of the department of health and social services administering corrections could provide any of those services to the home.

(1h) AUDIT OF MAIN STREET PROGRAM. The legislative audit bureau is requested to conduct a financial and performance evaluation audit of the main street program in the department of ~~tourism and development~~ under section 560.081 of the statutes and to submit a report summarizing the results of the audit to the committees specified under section 13.94 (1) (b) of the statutes by June 30, 1991.

(1j) STUDY OF LAND VALUE TAXATION. The legislative council is requested to study the feasibility of computing the value of real property for purposes of the property tax on the basis of the value of land only and to report the results of its study and its recommendations on or before January 1, 1991, to the chief clerk of each house of the legislature for distribution to the members of the legislature in the manner provided under section 13.172 (2) of the statutes.

(1k) STUDY OF PERSONAL PROPERTY TAXES. The legislative council is requested to study the taxation of personal property and to report the results of its study and its recommendations on or before January 1, 1991.

(2b) STUDY OF THE ARTS. The legislative council is requested to study the role of the state in fostering the arts and cultural activities in Wisconsin, including the need for state support of them, the extent to which they enhance tourism, economic development and the quality of life in the state and the feasibility of establishing a department of cultural affairs. The legisla-

tive council is requested to report its findings, conclusions and recommendations on or before January 1, 1991, to the chief clerk of each house of the legislature for distribution to the members of the legislature in the manner provided under section 13.172 (2) of the statutes.

(2g) STUDY OF SCHOOL DISTRICT PARENTS CHOICE PROGRAMS.

(a) The legislative council is requested to study school district parents choice programs, including programs that allow a pupil enrolled in a public school to attend school in another school district, to attend a private school or to attend an institution of higher education. The legislative council may examine programs previously proposed in this state and programs in operation in other states.

(b) The legislative council shall include in its study committee members representing the department of public instruction, the Wisconsin education association council, the Milwaukee teachers' education association and other teacher organizations, the Wisconsin association of school boards, the Milwaukee board of school directors, the association of Wisconsin school administrators, the Wisconsin association of school district administrators, parent-teacher associations and community organizations interested in the programs.

(c) The legislative council is requested to report its findings, conclusions and recommendations to the presiding officer of each house of the legislature by January 1, 1990.

(2p) STUDY OF HOMELESSNESS AND HUNGER. The legislative council is requested to study the need for, and availability of, housing and other services for homeless persons in Wisconsin, including an assessment of the availability of housing and services to meet the immediate need of homeless persons and their families, as well as an assessment of long-term strategies for reducing the incidence of homelessness in this state. If the legislative council conducts the study, it shall also include an evaluation of the extent of hunger in the state and the consequences of this problem and examine ways to ameliorate the causes and effects of the problem. The legislative council is requested to report its findings, conclusions and recommendations on or before January 1, 1991, to the chief clerk of each house of the legislature for distribution to the members of the legislature in the manner provided under section 13.172 (2) of the statutes.

(2r) INITIAL AUDIT OF WISCONSIN RETIREMENT SYSTEM. The legislative audit bureau shall contract for the initial actuarial audit of the Wisconsin retirement system to be performed under section 13.94 (1) (dc) of the statutes, as created by this act, in the 1989-90 fiscal year.

(3g) AUDIT OF MILWAUKEE AREA TECHNICAL COLLEGE. The legislative audit bureau is requested to conduct a performance evaluation audit of minority staff

Vetoed
in Part

and student recruitment and retention practices at the Milwaukee area technical college. The bureau is requested to submit a report summarizing the results of the audit to the committees specified under section 13.94 (1) (b) of the statutes by January 1, 1990.

(3p) STUDY OF STATE GOVERNMENTAL OPERATIONS. Of the moneys appropriated to the joint committee on finance under section 20.865 (4) (a) of the statutes for the 1989-91 fiscal biennium, \$100,000 may not be expended until the department of administration submits a request to the joint committee on finance for use of all or a portion of the money to conduct a study of state governmental operations. The request shall contain a specific description of the scope and objectives of the study and an identification of the need for the moneys requested to conduct the study. Upon approval of the request by the committee, the requested moneys not to exceed \$100,000 may be transferred to the appropriation under section 20.505 (1) (a) of the statutes, as affected by this act.

(3r) STUDY OF RURAL HEALTH CARE.

(a) The legislative council is requested to study all of the following related to the delivery of health care in rural areas of this state:

1. Recruitment and retention of health care professionals.
2. The inequity between rural and urban areas of the reimbursement system under the federal medicare program.
3. The effect of soaring costs for malpractice liability insurance.
4. The diversification of existing rural health care facilities.
5. The needs of elderly persons in the rural areas of this state.

(b) The legislative council is requested to report its findings, conclusions and recommendations concerning the study under paragraph (a) to the presiding officer of each house of the legislature by January 1, 1991.

(3t) LEGISLATIVE REFERENCE BUREAU POSITION AUTHORIZATION. The authorized FTE positions for the legislative reference bureau are increased by 2.5 GPR program assistant positions, to be funded from the appropriation under section 20.765 (3) (b) of the statutes, for the purpose of facilitating relocation of the bureau's offices and maintaining delivery of services to legislative offices.

(4g) AGRICULTURE AND RURAL DEVELOPMENT CONFERENCE. From the appropriation under section 20.765 (1) (a) of the statutes for fiscal year 1989-90, the committee on assembly organization shall allocate \$8,300 to provide financial assistance to the council on state governments for the operation and conduct of a conference on the states' agenda for agriculture and rural development to be held in the city of La Crosse in 1989.

SECTION 3036. Nonstatutory provisions; lieutenant governor.

(1n) WORKPLACE CHILD CARE OPTIONS.

(a) The lieutenant governor shall ~~contract with the center for consumer affairs, division of outreach and continuing education of the university of Wisconsin, Milwaukee to direct the operation of a clearinghouse for workplace child care options.~~ **Vetoed in Part**

(b) This subsection does not apply after June 30, 1991.

SECTION 3039. Nonstatutory provisions; military affairs.

(1g) ARMORY OPERATIONS. Of the amounts appropriated to the department of military affairs under section 20.465 (1) (b) of the statutes for repair and maintenance, \$162,600 for fiscal year 1990-91 may not be expended or encumbered unless authorized by the department of administration. If no federal funding for armory operations is received in federal fiscal year 1990, the department of administration shall authorize the expenditure of the full \$162,600. If federal funding for armory operations is received in federal fiscal year 1990, the department of administration shall authorize an expenditure of \$162,600 minus the federal funds received for armory operations.

(1p) EMERGENCY RESPONSE TRAINING. From the appropriations under section 20.465 (3) (s) and (t) of the statutes, as created by this act, the state emergency response board shall, in the 1989-91 fiscal biennium, fund training for emergency response to release of hazardous substances to state and local law enforcement officers and full-time fire fighting personnel including at least all of the following:

(a) Training for at least 100 law enforcement officers, including state employees and, if possible, at least one law enforcement officer from each county, as first responders, as defined in National Fire Protection Association Standard 472, 1989 edition.

(b) Training for at least 26 full-time fire fighting personnel from at least 11 fire departments as hazardous materials specialists, as defined in National Fire Protection Association Standard 472, 1989 edition.

(1q) EMERGENCY RESPONSE EQUIPMENT. From the appropriations under section 20.465 (3) (s) and (t) of the statutes, as created by this act, the state emergency response board shall, in fiscal year 1989-90, expend \$16,000 for the purchase of 500 feet of oil containment boom to be stored in each of the ports of Prairie du Chien, La Crosse, Superior, Green Bay, Manitowoc, Milwaukee, Racine and Kenosha. The state emergency response board shall ensure that the oil containment boom for each port is stored by a fire department, sheriff's department or county emergency government unit.

SECTION 3040. Nonstatutory provisions; natural resources.

(1) STUDY ON FUNDING OF LONG-TERM CARE AT EXISTING APPROVED WASTE DISPOSAL FACILITIES. The governor, acting under section 14.019 of the statutes, shall appoint a committee to study funding of the state's responsibility for long-term care at existing

approved waste disposal facilities. The committee shall assess various policy options that may redefine the role of both the state and owners and operators in assuming long-term care responsibility at existing approved waste disposal facilities, examine equitable funding methods and estimate amounts necessary for the long-term care requirements at these facilities, and evaluate existing and future roles of the waste management fund and purposes for which it can be used. The committee shall submit its recommendations by February 1, 1990, to the governor and the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided in section 13.172 (3) of the statutes.

(1n) STUDY ON FUNDING OF SAFE DRINKING WATER ACTIVITIES. The department of natural resources shall study alternative funding sources for the additional activities related to drinking water quality that are required by the federal government beginning in fiscal year 1991-92. In conducting the study, the department shall examine the feasibility of a broad-based fee that would support a portion of all public water supply regulatory activities, consider supporting specific increased staffing needs through activity-based fees, determine the availability of additional federal funding and consider delegating inspection or other regulatory activities to local governments. The department shall report its findings and recommendations by December 1, 1989, to the joint committee on finance and to the chief clerk of each house of the legislature for distribution in the manner provided under section 13.172 (2) of the statutes.

Vetoed
in Part

~~(1nn) CLEAN WATER FUND TRANSITION LOAN ELIGIBILITY. Notwithstanding any provision of section 144.241 of the statutes, as affected by this act, the city of Fond du Lac is eligible to receive financial assistance, before July 1, 1991, under section 144.241 (20) of the statutes, as affected by this act, in the form of a loan with an interest rate of 2.5% per year for construction of the Fond du Lac avenue interceptor sewer. Section 144.241 (20) (b) 3 of the statutes, as created by this act, applies to the project under this subsection.~~

(1p) CLEAN WATER FUND REPORT. The department of natural resources shall prepare a report concerning the clean water fund program under section 144.241 of the statute, as created by this act, and shall submit the report to the secretary of administration and the chief clerk of each house of the legislature for distribution to the legislature in the manner provided in section 13.172 (2) of the statutes in time to permit the preparation of the department of administration's proposal under SECTION 3001 (1n). The report shall include all of the following:

(a) Information on the total costs of meeting all needs eligible for clean water fund assistance by category under section 144.241 (7) (b) and (20) of the statutes, as affected by this act, and the annual level of

funding that would be required to meet those needs over the next 5 years and the next 20 years.

(b) The cost to this state of meeting the needs identified under paragraph (a) based on various levels of reduction in the interest rate provided to municipalities.

(c) The needs that could be met and the interest rate reductions that could be provided if no state funding is made available for the clean water fund program except for the bonding authority provided under section 20.866 (2) (tc) of the statutes, as affected by this act.

(d) The costs of, and amount of assistance that could be provided by, a direct loan program versus a leveraged, revenue bond-based loan program.

(e) The cost to the state of providing transition loans under section 144.241 of the statutes, as affected by this act, at interest rates from zero to the market rate.

(1q) CLEAN WATER FUND ANNUAL FINANCE PLAN. Notwithstanding section 144.241 (4) of the statutes, as affected by this act, the department of natural resources shall submit the clean water fund annual finance plan for 1990 by December 1, 1989.

(1r) GREAT LAKES ISSUES REPORT. The department of natural resources shall submit a report on Great Lakes issues to the chief clerk of each house of the legislature for distribution to the legislature in the manner provided in section 13.172 (2) of the statutes by February 1, 1990. The department may consult with federal, local and other state agencies in preparing the report. The report shall include all of the following:

(a) The department's overall mission and future plans regarding the Great Lakes.

(b) Ways to enhance coordination of department activities concerning the Great Lakes issues.

(c) Ways to improve coordination of activities between state agencies on Great Lakes issues.

(d) Recommendations on how to provide the highest level of environmental protection for the Great Lakes.

(e) Ways to communicate Great Lakes issues to the public and the legislature.

(f) A review of the effects of sea lampreys in the Great Lakes and proposals for correcting any negative effects.

(2) CONTRACTING FOR FISH STUDY. The department of natural resources shall study options for contracting with private fish hatcheries licensed under section 29.52 of the statutes, the U.S. commissioners of fisheries, the commissioners of fisheries of other states, Indian tribes or other persons to supply the state with spawn, fry or fish. The department shall report its findings and recommendations by July 1, 1990, to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes.

Vetoed
in Part
Vetoed
in Part

Vetoed
in Part

(2g) POSITION DECREASE. The authorized FTE positions for the department of natural resources are decreased by 8.0 SEG positions funded from the appropriation under section 20.370 (1) (mu) of the statutes, 1.0 SEG position funded from the appropriation under section 20.370 (3) (mu) of the statutes and 3.0 SEG positions funded from the appropriation under section 20.370 (8) (mu) of the statutes, to reflect decreased fish management activities.

Vetoed
in Part

~~(2n) WASTEWATER TREATMENT FACILITY EXPANSION. From the appropriation under section 20.370 (4) (ke) of the statutes, as created by this act, the department of natural resources shall provide matching funds to a town sanitary district that uses the wastewater treatment facility at the Wisconsin veterans home at King for expansion of the wastewater treatment facility at the Wisconsin veterans home at King to enable the town sanitary district to continue to use that facility if the town sanitary district provides at least 50% of the funds needed for the expansion. This subsection does not apply after June 30, 1991.~~

(2q) NONPOINT SOURCE PROGRAM FUNDING. The base level of the appropriation to the department of natural resources under section 20.370 (4) (cc) of the statutes, as affected by this act, shall be considered to be \$6,475,300.

(3g) FUNDING FOR NURSERY STOCK. Of the amounts appropriated to the department of natural resources under section 20.370 (1) (mu) of the statutes, the department may not expend \$204,900 in fiscal year 1989-90 and \$310,800 in fiscal year 1990-91 for production of planting stock at state forest nurseries until the department submits a report to the joint committee on finance on the methods that the department will use in the future to determine the price of nursery planting stock and the joint committee on finance reviews the report and decides that the moneys may be expended. The report shall include an analysis based on the recommendations in the April 1989 audit of the nursery operations of the department of natural resources conducted by the legislative audit bureau.

(3j) TOXIC METAL BY-PRODUCT RECYCLING OR REUSE GRANTS.

(a) From the appropriation under section 20.370 (4) (kd) of the statutes, as created by this act, the department of natural resources shall award funds for projects to increase the recycling or reuse of toxic metal by-products generated by electroplating and metal finishing processes. The department may make one or more grants under this subsection. A grant may not exceed 50% of the cost of a project.

(b) The department shall do all of the following:

1. Establish eligibility requirements for grants under this subsection.
2. Establish deadlines for the receipt of applications and the award of grants.
3. Review applications.
4. Award grants.

(c) This subsection does not apply after June 30, 1991.

(3p) MUNICIPAL WATER SUPPLY TECHNOLOGY PILOT PROJECT GRANTS.

(a) From the appropriation under section 20.370 (4) (kc) of the statutes, as created by this act, the department of natural resources shall award funds for eligible pilot projects to test technology for the removal of excessive nitrates from municipal water supplies. The department may make one or more grants under this subsection. A grant may not exceed 40% of the cost of a pilot project.

(b) The department shall establish eligibility requirements for grants under this subsection. The requirements shall include:

1. The grant is made to a city, village or town in which the public drinking water supply violates maximum contaminant levels for nitrates or in which the department determines that there is a significant risk that the public drinking water supply will violate maximum contaminant levels for nitrates in the future.

2. The water supply being proposed for treatment is publicly owned and operated.

3. The city, village or town agrees to provide funding from other sources for at least 60% of the cost of the pilot project.

(c) This subsection does not apply after June 30, 1991.

~~(3r) RADIUM REMOVAL TECHNOLOGY PILOT PROJECT GRANTS.~~

Vetoed
in Part

~~(a) From the appropriation under section 20.370 (4) (kf) of the statutes, as created by this act, the department of natural resources shall award funds for eligible pilot projects to study or test technology for the removal of radium from municipal water supplies. The department may make one or more grants under this subsection. A grant may not exceed 50% of the cost of a pilot project.~~

~~(b) The department shall establish eligibility requirements for grants under this subsection. The requirements shall include:~~

~~1. The grant is made to the village of Allouez or the town of Bellevue in Brown county.~~

~~2. The water supply being proposed for treatment is publicly owned and operated.~~

~~3. The village or town agrees to provide funding from other sources for at least 50% of the cost of the pilot project.~~

~~(c) This subsection does not apply after June 30, 1991.~~

~~(3s) DESIGN OF INNOVATIVE FLOOD CONTROL TECHNIQUES.~~

Vetoed
in Part

~~(a) From the appropriation under section 20.370 (4) (na) of the statutes, the department of natural resources shall grant funds to the Milwaukee metropolitan sewerage district for the design of innovative flood control techniques that meet the conditions of this subsection.~~

Vetoed
in Part

~~(b) 1. Innovative flood control techniques designed using funds under this subsection shall provide for the creation or enhancement of wetlands, streambank stabilization or other alternatives to concrete channels.~~

~~2. Funds awarded under this subsection may not be used for construction, condemnation or the design of straightening channels or lining channels with concrete.~~

~~(c) A grant under this subsection may not exceed 75% of the cost of designing an innovative flood control technique except that the department of natural resources may provide a grant for 100% of the cost of designing an innovative flood control technique that the department of natural resources determines is experimental.~~

~~(d) The department of natural resources may grant funds under this subsection only if the Milwaukee metropolitan sewerage district agrees to construct and implement innovative flood control techniques designed using those funds within 5 years after the date of receiving the grant.~~

~~(e) This subsection does not apply after June 30, 1991.~~

Vetoed
in Part

~~(3b) PRIVATE SEWAGE SYSTEM GRANT REPORT. On or before January 1, 1990, the department of natural resources shall submit a report to the joint committee on finance concerning the income of persons receiving grants under section 144.245 of the statutes, as affected by this act.~~

(4) CONTRACTING FOR NURSERY STOCK STUDY. The department of natural resources shall study options for contracting with private nurseries licensed under section 94.10 of the statutes to supply the state with nursery stock. The department shall report its findings and recommendations by July 1, 1990, to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes.

(4n) LAKE LEVEL CONTROL PILOT PROJECT.

(a) From the appropriation under section 20.370 (2) (ma), the department of natural resources shall expend \$12,500 for a lake level control pilot project to install check dams to control water levels on lakes with falling water levels. To determine the need for a check dam, the department shall conduct scientific studies and install monitoring equipment on properties where there is reason to believe that an activity that is not regulated by the department may be causing a substantial adverse impact on public rights and interests in the waters of the state.

(b) The department of natural resources shall, if possible, obtain consent from a property owner before conducting studies or installing equipment on property as part of the project under this subsection. If the department is unable to obtain consent from the property owner, the department may proceed to conduct the studies or install the equipment only after showing

that the investigation is necessary to protect public rights and interests and treating the matter as a contested case under chapter 227 of the statutes.

(c) This subsection does not apply after June 30, 1991.

~~(4p) WELL CONTAMINATION COMPENSATION ALLOCATION. Notwithstanding section 144.027 (5) (f) of the statutes, as affected by this act, in the 1989-91 fiscal biennium the department of natural resources shall allocate \$100,000 to pay claims under section 144.027 of the statutes, as affected by this act, of claimants who are residents of the town of Janesville in Rock county whose private water supplies are contaminated by volatile organic compounds and heavy metals.~~

Vetoed
in Part

(4v) LANDFILL CLOSURE POSITIONS. The authorized FTE positions for the department of natural resources are decreased by 2.0 PR project positions funded from the appropriation under section 20.370 (2) (dg) of the statutes, for the purpose of eliminating the 2 project positions added by the joint committee on finance to conduct landfill closure inspections.

(5) LOWER WISCONSIN STATE RIVERWAY.

(a) The legislature finds that the provisions regarding the creation and regulation of the lower Wisconsin state riverway in this act reflect the state's interest in a matter of statewide dimension. The state, as trustee of the waters in this state, is responsible for the protection of all the state's water resources regardless of their location.

(b) The legislature finds that increased recreational use in the riverway and development of land in the riverway is a critical problem in this state.

(c) The legislature finds that those provisions of the act will directly and immediately affect the statewide concern under paragraph (b). The effect will be direct because the act causes the recreational use in the riverway and the development of land in the riverway to be regulated. The effect will be immediate because recreational use and development of land will be regulated, thereby immediately preserving the scenic and recreational value of land in the riverway.

(6) LOWER WISCONSIN STATE RIVERWAY BOARD. Notwithstanding section 15.345 (6) of the statutes, as created by this act, 3 of the initial members of the lower Wisconsin state riverway board shall be appointed for terms expiring on May 1, 1990; 3 of the initial members of the lower Wisconsin state riverway board shall be appointed for terms expiring on May 1, 1991; and 3 of the initial members of the lower Wisconsin state riverway board shall be appointed for terms expiring on May 1, 1992.

(7) RULES FOR THE LOWER WISCONSIN STATE RIVERWAY.

(a) The department of natural resources shall submit proposed rules for the purpose of regulating the cutting and harvesting of timber under section 30.44 (3) of the statutes, as created by this act, to the legisla-

tive council staff for review under section 227.15 (1) of the statutes before March 1, 1990.

(b) Using the procedure under section 227.24 of the statutes, the department of natural resources shall promulgate rules for the purpose of regulating the cutting and harvesting of timber under section 30.44 (3) of the statutes, as created by this act. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency. The department shall promulgate these rules no later than 45 days after the effective date of this paragraph. Notwithstanding section 227.24 (2) (a) of the statutes, the effective period of a rule promulgated under this paragraph may be extended by the joint committee for review of administrative rules for a period, specified by that committee, not to exceed 120 days. Any number of extensions may be granted by that committee, but the total period for all extensions may not exceed 240 days.

(7j) WISCONSIN WATERWAYS COMMISSION. The first vacancy occurring in the seats filled by members appointed to the Wisconsin waterways commission under section 15.345 (1) (a) 4 shall be filled by the member appointed under section 15.345 (1) (a) 3m of the statutes, as created by this act. Notwithstanding sections 15.06 (1) (ag) and 15.345 (1) (a) (intro.) of the statutes, the initial term of the member appointed under section 15.345 (1) (a) 3m of the statutes, as created by this act, expires on March 1, 1995.

(8d) RULES FOR REMOVAL OF WILD ANIMALS.

(a) The department of natural resources shall submit proposed rules to implement section 29.59 of the statutes, as affected by this act, to the legislative council staff for review under section 227.15 (1) of the statutes before March 1, 1990.

(b) Using the procedure under section 227.24 of the statutes, the department of natural resources shall promulgate rules to implement section 29.59 of the statutes, as affected by this act, for the period before the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency.

(8e) RULES FOR THE TRAPPING OF BEAVER.

(a) The department of natural resources shall submit proposed rules pursuant to its authority under section 29.174 of the statutes for the purpose of increasing the number of beaver taken by trapping to the legislative council staff for review under section 227.15 (1) of the statutes before March 1, 1990.

(b) Using the procedure under section 227.24 of the statutes, the department of natural resources shall promulgate rules pursuant to its authority under section 29.174 of the statutes for the purpose of increasing the number of beaver taken by trapping for the period before the effective date of the rules submitted under paragraph (a), but not to exceed the period

authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency.

(8g) LUCIUS WOODS STATE PARK.

(a) *Conveyance.* Upon payment by Douglas county of \$1, the department of natural resources, acting on behalf of the state of Wisconsin, shall cede, grant and convey all rights, title and interest in Lucius Woods state park to Douglas county, on the condition that the property be used by the county for recreational purposes. If Douglas county does not use Lucius Woods state park for recreational purposes, all rights, title and interest in the park shall revert to the state.

(b) *Nonapplicability of joint committee on finance approval.* Section 27.01 (3) of the statutes does not apply to the conveyance under paragraph (a).

(8j) OJIBWA STATE PARK.

(a) *Conveyance.* Upon payment by the town of Ojibwa in Sawyer county of \$1, the department of natural resources, acting on behalf of the state of Wisconsin, shall cede, grant and convey all rights, title and interest in Ojibwa state park to the town of Ojibwa in Sawyer county, on the condition that the property be used by the county for recreational purposes. If the town of Ojibwa in Sawyer county does not use Ojibwa state park for recreational purposes, all rights, title and interest in the park shall revert to the state.

(9c) FOX RIVER MANAGEMENT COMMISSION. From the appropriation under section 20.370 (1) (dq) of the statutes, as affected by this act, not more than \$40,000 may be expended in fiscal year 1989-90 and not more than \$40,000 may be expended in fiscal year 1990-91 for the Fox river management commission to contract for services to implement the April 1989 long-range plan prepared by the east central Wisconsin regional planning commission and the lower Fox river/Winnebago pool long-range plan task force. The amount expended in each fiscal year shall equal the amount contributed by local units of government for the implementation of the long-range plan or the maximum amount specified in this subsection, whichever is less. The contribution of a local government shall be made by in-kind services or in cash.

(9f) RULES FOR MUNICIPAL WATER SAFETY PATROL UNITS.

(a) The department of natural resources shall submit proposed rules under section 30.79 (2m) of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes before January 1, 1990.

(b) Using the procedure under section 227.24 of the statutes, the department of natural resources shall promulgate rules under section 30.79 (2m) of the statutes, as created by this act, for the period before the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, the

department is not required to make a finding of emergency.

(9g) **FEASIBILITY STUDY FOR STATE RECREATION AREA.** The department of natural resources shall study the feasibility of creating a state recreation area in the city of Milwaukee in an area east of USH 41 and adjacent to the Menomonee river. The department shall report its findings and recommendations by July 1, 1990, to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes.

(9h) **RECREATIONAL BOATING PROJECTS.**

(a) Notwithstanding the percentages and before obligating any moneys under section 30.92 (4) (b) 6 of the statutes, as affected by this act, of the amounts appropriated under section 20.370 (4) (bu) of the statutes, the department of natural resources may not expend \$600,000 in fiscal year 1989-90 and \$600,00 in fiscal year 1990-91 except for aids for projects deemed necessary by the Wisconsin waterways commission without regard to location.

(b) Of the amounts appropriated under section 20.370 (4) (bu) of the statutes, and after deducting the amount for each fiscal year as provided in paragraph (a), the department of natural resources may not expend \$1,000,000 in fiscal year 1989-90 and \$1,000,000 in fiscal year 1990-91 except for the construction and development of a marina on Lake Michigan in the city of Kenosha. Any amount expended under this paragraph shall be considered an expenditure for a Great Lakes project as provided in section 30.92 (4) (b) 6 of the statutes, as affected by this act. To be eligible under this paragraph a marina project need not be placed on the priority list under section 30.92 (3) (a) of the statutes, as affected by this act.

(c) Of the amounts appropriated under section 20.370 (4) (bu) of the statutes, and after deducting the amount for each fiscal year as provided in paragraph (a), the department of natural resources shall expend in fiscal year 1989-90 the amount that is necessary for the development of a marina in the city of Neenah but the amount shall not exceed \$220,000. Any amount expended under this paragraph shall be considered an expenditure for an inland lakes project as provided in section 30.92 (4) (b) 6 of the statutes, as affected by this act. To be eligible under this paragraph a marina project need not be placed on the priority list under section 30.92 (3) (a) of the statutes, as affected by this act.

(d) Of the amounts appropriated under section 20.370 (4) (bu) of the statutes, and after deducting the amount for each fiscal year as provided in paragraph (a), the department of natural resources shall expend not more than \$3,500 in fiscal year 1989-90 for a grant to any city of the 4th class incorporated in 1962 in a county with a land area of 357 square miles for the construction of a pier that is accessible to handi-

capped persons and for landscaping work. The amount expended for a grant shall equal the amount contributed by a city receiving a grant for the construction of such a pier and for such landscaping work or \$3,500, whichever is less. This recreational boating project need not be placed on the priority list under section 30.92 (3) (a) of the statutes, as affected by this act.

(e) Of the amounts appropriated under section 20.370 (4) (bu) of the statutes, and after deducting the amount for each fiscal year as provided in paragraph (a), the department of natural resources shall expend not more than \$15,000 in fiscal year 1989-90 for state aid to Grant county for a boat landing at O'Leary's lake in the town of Jamestown. The amount expended as state aid shall equal the amount contributed by Grant county for construction of the boat landing or \$15,000, whichever is less. This recreational boating project need not be placed on the priority list under section 30.92 (3) (a) of the statutes, as affected by this act.

(f) Of the amounts appropriated under section 20.370 (4) (bu) of the statutes, and after deducting the amount for each fiscal year as provided in paragraph (a), the department of natural resources shall expend the amount the city of Beloit needs for a project to develop park land adjacent to the Rock river and to increase public and recreational boating access to the Rock river, but the amount expended in each fiscal year of the biennium may not exceed \$100,000. ~~Notwithstanding section 30.92 (4) (b) 4 of the statutes, as affected by this act, the moneys expended under this paragraph may be used for the purchase of land. Notwithstanding section 30.92 (4) (b) 2 of the statutes, the city of Beloit need not contribute any moneys for the project funded under this paragraph. This project need not be placed on the priority list under section 30.92 (3) (a) of the statutes, as affected by this act.~~

Vetoed
in Part

(9n) **SPEARFISHING LAW ENFORCEMENT AID.** Notwithstanding section 29.599 of the statutes, the department of natural resources may reimburse counties or municipalities under section 29.599 of the statutes, as affected by this act, for reimbursable but unpaid law enforcement costs relating to the 1989 spearfishing season for which the counties or municipalities filed an application for aid under section 29.599 (2) (c) of the statutes prior to July 1, 1989, from the appropriation under section 20.370 (4) (ga) of the statutes, as affected by this act. The department of natural resources shall pay all claims under this subsection by August 31, 1989.

(10a) **MOOSE AND ELK STUDY.**

(a) The department of natural resources shall study the feasibility of reintroducing moose or elk or both into the state. The study may include the following:

1. The cost of stocking moose or elk or both in the state.

2. Identification of the type of habitat that is necessary for a moose or elk population or both to flourish.

3. A timetable for the reintroduction of moose or elk or both.

4. Identification of potential problems for land-owners that may result from the reintroduction of moose or elk or both into the state.

5. Measures to be taken to minimize the potential transfer of diseases between moose or elk or both and domestic livestock.

6. The feasibility of using private groups to help stock moose or elk or both in the state.

(b) The department shall report its findings and recommendations by September 1, 1990, to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes.

(10c) STUDY ON COMMERCIAL FISHING RIGHTS. The department of natural resources shall study methods of compensating persons who hold commercial fishing licenses for lost investments and harvests if governmental action prevents, deprives or restricts these persons from fishing as authorized under the terms of their licenses or as otherwise authorized by law. In conducting the study, the department shall consult with the university of Wisconsin, the bureau of energy and coastal policy analysis of the department of administration and commercial fishers. The department shall report its findings by December 15, 1989, to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes.

(10d) GLACIAL DRUMLIN TRAIL.

(a) From the appropriation under section 20.866 (2) (tq) of the statutes, as affected by this act, the department of natural resources shall expend up to \$75,000 in state aid under section 23.09 (20) of the statutes, as affected by this act, to extend the Glacial Drumlin trail to the Fox river sanctuary in the city of Waukesha. The amount expended for state aid under this paragraph shall equal the amount contributed by the city of Waukesha for the extension or \$75,000, whichever is less.

(b) Of the amounts appropriated under section 20.370 (1) (kb) of the statutes, as affected by this act, the department of natural resources shall expend up to \$85,000 in the 1989-91 biennium for the development of bicycle and pedestrian access along the Fox river from the Glacial Drumlin trail through the center of the city of Waukesha and including access to the state office building in Waukesha. The amount expended under this paragraph shall equal 4 times the amount contributed by the city of Waukesha for the development of this access or \$85,000, whichever is less.

Vetoed in Part (10h) ACQUISITION OF LANDS FOR NEW STATE PARK. Notwithstanding section 23.09 (2) (d) 2 of the statutes, the department of natural resources shall acquire land in the town of Bone Lake in Polk county for the pur-

pose of establishing a new state park. From the appropriation under section 20.866 (2) (ts) of the statutes, as affected by this act, the department shall expend not more than \$1,580,000 for the acquisition of approximately 2,600 acres of land in the town of Bone Lake in Polk county to establish the state park. Section 23.14 of the statutes, as affected by this act, does not apply to this acquisition and approval by the natural resources board is not necessary.

Vetoed in Part

(10i) STATE PARK AND FOREST ROADS. Notwithstanding section 84.28 of the statutes, the department of natural resources shall authorize expenditures and assistance from the appropriation under section 20.370 (1) (mr) of the statutes to pave and mark by June 30, 1991, any town, county or state highway within 5 miles of the Navarino wildlife area.

Vetoed in Part

(10x) CAMPING FEE STUDY. The department of natural resources shall study the feasibility of adopting a camping fee system based on the popularity and amount of use of each state park and on the popularity and amount of use of campsites within a state park. The department shall report its findings and recommendations by September 1, 1990, to the chief clerk of each house of the legislature for distribution to the appropriate standing committee in the manner provided under section 13.172 (3) of the statutes.

(11b) PLAN FOR VAN LOON BRIDGES. The department of natural resources shall develop a plan to either preserve the 6 bridges at the Van Loon wildlife area or to remove and preserve them at another site. The plan shall prohibit the department from demolishing the bridges and shall authorize the department to accept gifts, grants or other contributions from private sources for the purpose of preserving the bridges. The department shall submit the plan by July 1, 1990, to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes.

(11g) RULES FOR PUBLIC ACCESS TO SOUTHEASTERN LAKES. In promulgating rules under section 30.91 of the statutes, as created by this act, the department may consider the southeastern Wisconsin regional planning commission planning report number 27, "A Regional Park and Open Space Plan for Southeastern Wisconsin."

Vetoed in Part

(11h) MENOMONEE RIVER CONSERVATION PROJECT.

(a) From the appropriation under section 20.866 (2) (tq) of the statutes, as affected by this act, the department of natural resources shall expend up to \$250,000 in state aid under section 23.09 (20) of the statutes, as affected by this act, to acquire land in the city of Milwaukee that is adjacent to the Menomonee river on its west and south bank from the intersection of I 94 and USH 41 to South 27th street and that extends beyond South 27th street as necessary to provide access to Mitchell park. The land acquired shall be used for recreational and community facilities, improved river access, nonpoint source pollution

Vetoed in Part

Vetoed in Part

Vetoed in Part abatement and restoration of wetland in the city of Milwaukee. The amount expended for state aid under this paragraph shall equal the amount contributed by the city of Milwaukee for the acquisition of \$250,000 or less.

Vetoed in Part (b) From the appropriation under section 20.370 (4) (kb) of the statutes, as created by this act, the department of natural resources shall provide \$500,000 to the city of Milwaukee for the acquisition of the land described in paragraph (a), if the city of Milwaukee acquires the land. This paragraph does not apply after June 30, 1991.

(11j) FISH REARING POND GRANTS. Prior to July 1, 1991, the department of natural resources shall expend from the appropriation under section 20.370 (4) (bb) of the statutes, as created by this act, moneys as grants to restore unused or underutilized fish rearing ponds that may be restored at a reasonable cost and that exist on the effective date of this subsection. The recipients of grants under this subsection must be owners of fish rearing ponds or groups that have entered into agreements with such owners to use their ponds for fish rearing. To be eligible for a grant under this subsection, the fish rearing pond must be located in an off-reservation area where American Indian tribes or bands have federal treaty rights to fish. The recipient of a grant under this subsection may use the moneys for repair or construction of dykes, dams, levies or other water retaining structures; replacement or repair of pumps or other related equipment; and any other associated costs that are necessary for the restoration of these ponds. A fish rearing pond restored with a grant under this subsection shall be used only for the rearing of walleye or muskellunge or both. The department shall cooperate with recipients of grants under this subsection in the restoration of the fish rearing ponds.

Vetoed in Part (12c) BIG BAY STATE PARK OFFICE. From the appropriation under section 20.370 (1) (kb) of the statutes, as affected by this act, the department of natural resources shall allocate \$65,000 in fiscal year 1989-90 to construct a park office and visitor check-in station at Big Bay state park.

(12g) STUDY OF ROCK RIVER AREA. The department of natural resources shall study the feasibility of creating a state recreation area or state natural area on lands adjacent to the Rock river between the Wisconsin-Illinois border and Lake Koshkonong and the feasibility of converting Big Hill park that is owned by the city of Beloit into a state park. The department shall report its findings and recommendations by July 1, 1990, to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes.

(13g) INITIAL TERMS FOR MEMBERS OF STATE TRAILS COUNCIL. Notwithstanding section 15.347 (16) of the statutes, as created by this act, 4 of the initial members of the state trails council shall be appointed for terms

expiring on July 1, 1991, and 5 of the initial members of the state trails council shall be appointed for terms expiring on July 1, 1993.

~~(15g) ADDITIONAL FISH STOCK. During the 1989-91 biennium, the department of natural resources shall provide additional fish stock to be placed in the lagoons of the parks in the Milwaukee county park system.~~

Vetoed in Part

(16g) ANALYSIS OF DAM. The department of natural resources shall conduct, or have conducted, a hydraulic, hydrologic and stability analysis of the dam located in the city of Green Lake, Green Lake county, to determine the safety and the capacity of the dam. The department shall submit a report on the analysis by June 30, 1990, to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes.

SECTION 3044. Nonstatutory provisions; public instruction.

(2f) CHILDREN AT RISK RULES. The state superintendent of public instruction shall promulgate rules defining the phrase "one or more years behind their age group in the number of credits attained or in basic skill levels" under section 118.153 (1) (a) (intro.) of the statutes, as affected by this act, the phrase "2 or more years behind their age group in basic skill levels" under section 118.153 (1) (a) 2 of the statutes, as affected by this act, and the phrase "one or more years behind their age group in basic skill levels" under section 118.153 (1) (a) 3 of the statutes, as affected by this act. The state superintendent shall submit the proposed rules to the legislative council staff for review under section 227.15 (1) of the statutes by January 1, 1990.

(2n) DRUG ABUSE RESISTANCE EDUCATION. The state superintendent of public instruction shall evaluate the success of the drug abuse resistance education program under section 115.36 (4) of the statutes, as created by this act. By January 1, 1991, the state superintendent of public instruction shall submit the results of the evaluation, including recommendations on whether the program should be continued, to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes.

~~(3g) LEARNING DISABLED CHILDREN.~~
(a) The department of public instruction shall hold hearings under section 227.16 (6) of the statutes for the purpose of reviewing the provisions of chapter P111 of the Wisconsin administrative code relating to the criteria used for classifying children as learning disabled. The department may also review the criteria for classifying children in other special education categories. The department shall hold the first hearing under this paragraph no later than the first day of the

Vetoed in Part

Vetoed in Part 6th month beginning after the effective date of this paragraph.

(b) If the department of public instruction proposes changes to the rules used for classifying children as learning disabled or in other special education categories as a result of its review under paragraph (a), it shall submit the proposed changes to the legislative council staff for review under section 227.15 (1) of the statutes no later than the first day of the 6th month beginning after the date of the first hearing held under paragraph (a).

(4h) REPORT ON ENERGY SAVINGS FOR SCHOOLS. The department of public instruction shall prepare a report on the creation of an energy savings program for public school facilities. The report shall include incentives for school districts to initiate energy savings projects and any statutory language necessary to implement the recommendations. The department of public instruction shall consult with the department of industry, labor and human relations and other appropriate state agencies on the preparation of the report. By January 1, 1991, the department shall submit the report to the chief clerk of each house of the legislature for distribution to the appropriate committees in the manner provided under section 13.172 (3) of the statutes.

Vetoed in Part (5g) CHILD ABUSE REPORTING STUDY. The department of public instruction shall study the issue of suspected child abuse by persons licensed by the department. In particular, the department shall determine the benefits of creating a procedure by which the department is uniformly and quickly informed of such child abuse and the effect of such a procedure on the privacy of the licensees. By January 1, 1990, the department shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes. The report shall include the department's findings and recommendations for legislation.

(6g) COUNCIL ON SUICIDE PREVENTION. Notwithstanding section 15.377 (7m) of the statutes, as created by this act, one of the initial members of the council on suicide prevention appointed solely by the state superintendent of public instruction and one of the initial members of the council appointed solely by the secretary of health and social services shall be appointed for one-year terms; and one of the initial members of the council appointed solely by the state superintendent of public instruction and one of the initial members of the council appointed solely by the secretary of health and social services shall be appointed for 2-year terms. The other initial members of the council shall be appointed for 3-year terms. Thereafter, all members of the council on suicide prevention shall serve for terms prescribed in section 15.377 (7m) of the statutes, as created by this act.

(7e) AID TO MILWAUKEE PUBLIC SCHOOLS. Notwithstanding section 20.001 (3) (a) of the statutes, in the 1989-90 fiscal year the department of public instruc-

tion may spend from the appropriation under section 20.255 (2) (ec), as affected by this act, any funds remaining in the account for that appropriation at the end of the 1988-89 fiscal year.

Vetoed in Part (7g) STUDY ON REDUCING CLASS SIZE. The state superintendent of public instruction shall conduct a study to determine the total number of full-time instructional personnel and pupils in regular instructional programs in each school district and in each grade for grades kindergarten to 3. The state superintendent shall report the results of the study, including recommendations for legislation to refine the program to reduce class size under section 121.04 of the statutes, as created by this act, to the presiding officer of each house of the legislature for distribution to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes by January 1, 1990.

(7L) LYME DISEASE. In the 1989-90 fiscal year, the department of public instruction, in collaboration with the departments of natural resources and health and social services, shall develop resources and instructional materials for the purpose of assisting school districts in providing instruction about the signs, symptoms and prevention of Lyme disease.

SECTION 3047. Nonstatutory provisions; regulation and licensing.

Vetoed in Part (1h) LEAD-BEARING PAINT DISCLOSURE FORMS. Pursuant to section 452.05 (1) (b) of the statutes, the department of regulation and licensing shall prepare and approve forms requiring the disclosure of lead-bearing paint before the sale or transfer of residential real property as required under section 710.20 of the statutes, as created by this act. The department shall prepare and approve the forms no later than the first day of the 5th month beginning after the effective date of this subsection.

(2q) REGISTRY RULES.

Vetoed in Part (a) The department of regulation and licensing shall, following consultation with the department of health and social services, advocates of nursing home residents and home health agency clients, representatives of organized labor and representatives of the nursing home and home health agency industries, submit any proposed rules defining "neglect", "abuse" and "misappropriation of property" as required for the purposes of the registry under section 440.03 (10) of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than September 1, 1989.

Vetoed in Part (b) Using the procedure under section 227.24 of the statutes, the department of regulation and licensing, after consulting with the department of health and social services, shall promulgate rules defining "neglect", "abuse" and "misappropriation of property" for the purposes of the registry under section 440.03 (10) of the statutes, as created by this act. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of

Vetoed in Part emergency. Notwithstanding section 227.24 (1) (c) of the statutes, a rule promulgated under this paragraph remains in effect for the period prior to the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (3) of the statutes.

Vetoed in Part (2x) ACUPUNCTURE EXAMINING BOARD.

(a) Notwithstanding section 15.405 (1m) of the statutes, as created by this act, the initial acupuncturist members of the acupuncture examining board need not be certified under chapter 451 of the statutes, as created by this act, to be appointed to and serve as members of the examining board.

(b) Notwithstanding section 15.405 (1m) of the statutes, as created by this act, the initial members of the acupuncture examining board shall be appointed by the first day of the 4th month beginning after the effective date of this paragraph for the following terms:

1. One member, for a term expiring on July 1, 1991.
2. One member, for a term expiring on July 1, 1992.
3. One member, for a term expiring on July 1, 1993.

(c) The acupuncture examining board shall submit the proposed rules required under section 451.12 of the statutes, as created by this act, to the legislative council under section 227.15 (1) of the statutes no later than the first day of the 7th month beginning after the effective date of this paragraph.

Vetoed in Part (d) Notwithstanding section 451.04 (2) (d) and (e) of the statutes, as created by this act, the acupuncture examining board shall

Vetoed in Part issue an acupuncturist certificate to any individual who, not later than the first day of the 4th month beginning after the effective date of this paragraph, submits an application for the certificate to the department of regulation and licensing, satisfies the requirements under section 451.04 (2) (a) to (c) of the statutes, as created by this act, and submits evidence satisfactory to the examining board that he or she has established a residence, as described in section 6.10 (1) of the statutes, in this state at least 12 months before the effective date of this paragraph and has been actively engaged in the practice of acupuncture in this state at any time during the 12 months immediately preceding the effective date of this paragraph.

SECTION 3048. Nonstatutory provisions; revenue.

(1) **ADOPTION OF FEDERAL INCOME TAX CHANGES.** Changes to the federal internal revenue code made by P.L. 100-647 apply to definitions of "internal revenue code" in chapter 71 of the statutes for taxable year 1986 and previous taxable years at the time those changes apply for federal income tax purposes.

(2) **TAXABLE YEARS; TRANSITION.** Persons affected by the change in the definition of "taxable year" in sections 71.01 (12) and 71.22 (10) of the statutes, as affected by this act, and having taxable years beginning after July 31, 1988, and before January 1, 1989,

shall file 2 returns, relating to different periods, for taxable year 1988.

(3n) **ONE-TIME SUPPLEMENT FOR 1990 OF THE SCHOOL PROPERTY TAX CREDIT.**

(a) For claimants who filed a claim for credit under section 71.53, 1987 stats., for taxable year 1987 or 1988, based on property taxes or rent constituting property taxes paid in 1987 or 1988, the amount of the claim determined under section 71.53 (2), 1987 stats., shall be increased from 6.9% to 13.4% for taxable year 1987 and from 8.5% to 15% for taxable year 1988 of the first \$2,000 of property taxes or rent constituting property taxes or from 6.9% to 13.4% for taxable year 1987 and from 8.5% to 15% for taxable year 1988 of the first \$1,000 of property taxes or rent constituting property taxes of a married person filing separately, and the claimant shall receive a check, under paragraph (b), in an amount equal to the lesser of the claimant's net tax liability or the credit calculated under this paragraph.

(b) The additional credit amount of up to 6.5% for each year in paragraph (a) shall be refunded by the department of revenue to the claimant in April 1990, or as soon as possible after receipt of the claimant's 1987 or 1988 return if the return is filed after December 31, 1989, and along with the check the department of revenue shall include the following statement: "The Governor and Legislature of the State of Wisconsin have provided in 1989 Wisconsin Act (this act) that any person who claimed the 1987 or 1988 school property tax/rent credit shall receive an additional amount of credit. The enclosed check is for this additional credit."

(c) If a claimant under paragraph (a) dies before receiving his or her additional credit under paragraph (b), the additional credit amount of 6.5% for each year under this subsection shall be paid to the claimant's estate.

(d) The department of revenue may enforce the credit under this subsection and may take any action, conduct any proceeding and proceed as it is authorized in respect to taxes under chapter 71 of the statutes. The income tax provisions of chapter 71 of the statutes relating to assessments, refunds, appeals, collection, interest and penalties apply to the credit under this subsection.

(3r) **LOST MANUFACTURING VALUE PAYMENT.**

(a) In this subsection:

1. "Municipality" means a city, village or town.
2. "Value of manufacturing property" means taxable real property under section 70.32 (2) (a) 3 and (b) 3 of the statutes determined as follows:
 - a. For May 1, 1974, under section 70.57, 1973 stats.
 - b. For January 1, 1988, under section 70.57, 1987 stats.

(b) A municipality is eligible for a payment under this section if all of the following apply:

1. The value of manufacturing property in the municipality on January 1, 1988, was less than or equal to 90% of the value of manufacturing property in the municipality on May 1, 1974.

2. The municipality's net tax rate for all taxing jurisdictions for property taxes payable in 1989 was greater than the statewide average net tax rate for that year.

3. The value of manufacturing property in the municipality on May 1, 1974, was greater than 5% of the total equalized value under section 70.57, 1973 stats., of taxable property in the municipality on that date.

(c) The department of revenue shall determine the amount of the payment for each municipality eligible under this subsection as follows:

1. Subtract the value of manufacturing property in the municipality on January 1, 1988, from the value of manufacturing property in the municipality on May 1, 1974.

2. Add the amounts determined under subdivision 1 for all municipalities eligible for a distribution under this section.

3. Divide the amount determined under subdivision 1 by the sum determined under subdivision 2.

4. Multiply the percentage determined under subdivision 3 by \$1,000,000.

(d) If a municipality is located in more than one county, the computations under paragraphs (b) and (c) shall be based on data that treats the municipality as a whole.

(e) On November 20, 1989, the department of administration shall, upon certification by the department of revenue, distribute the payments determined under paragraph (c) to all eligible municipalities from the appropriation under section 20.835 (1) (f) of the statutes, as created by this act.

(f) The department of revenue shall notify each municipality that is eligible for a payment under this section of the amount of the payment, when the department of revenue provides its statement of estimated payments to the municipality under section 79.015 of the statutes.

(g) This subsection does not apply after December 31, 1989.

Vetoed
in Part

~~(4g) RULES ON BENEFICIAL USE. The department of revenue shall submit rules defining beneficial ownership for purposes of section 70.11 (2) of the statutes, as amended by this act, to the legislative council staff for review on or before October 1, 1989. Those rules shall specify that allowing significant public use of the property is necessary for finding that a unit of government is the beneficial owner of the property.~~

SECTION 3052. Nonstatutory provisions; supreme court.

(1d) COURT AUTOMATION FUNDING.

Vetoed
in Part

~~(a) Of the amounts appropriated to the supreme court under section 20.680 (2) (j) of the statutes for funding circuit court automated information systems~~

~~for counties with 1 or 2 circuit court judges, the supreme court may not expend \$668,000 in fiscal year 1989-90 and \$878,200 in fiscal year 1990-91 without the approval of the joint committee on finance. The joint committee on finance shall approve the expenditure of the funds for the fiscal year only after reviewing documentation of the specific costs for that fiscal year of each of the parts of the automated information systems for those counties.~~

Vetoed
in Part

~~(b) Of the amounts appropriated to the supreme court under section 20.680 (2) (j) of the statutes for funding circuit court automated information systems for counties with 3 to 11 circuit court judges, the supreme court may not expend \$2,518,400 in fiscal year 1989-90 and \$1,722,600 in fiscal year 1990-91 without the approval of the joint committee on finance. The joint committee on finance shall approve the expenditure of the funds for the fiscal year only after reviewing documentation of the specific costs for that fiscal year of each of the parts of the automated information systems for those counties.~~

~~(c) Of the amounts appropriated to the supreme court under section 20.680 (2) (j) of the statutes for funding circuit court automated information systems for counties with 12 or more circuit court judges, the supreme court may not expend \$1,204,100 in fiscal year 1990-91 without the approval of the joint committee on finance. The joint committee on finance shall approve the expenditure of the funds only after reviewing documentation of the specific costs of each of the parts of the automated information systems for those counties.~~

Vetoed
in Part

SECTION 3053. Nonstatutory provisions; transportation.

(1g) LOWER WISCONSIN STATE RIVERWAY. The department of transportation shall adopt the standards under section 30.455 (2) (c) of the statutes, as created by this act, no later than one year after the effective date of this subsection.

~~(1h) NOISE BARRIERS. The department of transportation shall expend at least \$5,000,000 in the 1989-91 fiscal biennium from appropriations under section 20.395 (3) of the statutes for the construction of noise barriers on the state trunk highway system.~~

Vetoed
in Part

(2d) RULES FOR HIGHWAY TREE PLANTING. The department of transportation shall submit proposed rules for highway tree planting under section 84.01 (29) of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes before March 15, 1990.

(2g) WAUKESHA BUSINESS INCUBATOR.

(a) The department of transportation shall conduct an investigation to determine if any toxic or environmentally hazardous condition exists at properties owned by the state located at 310 West avenue and at 532 Newhall avenue in the city of Waukesha.

(b) Notwithstanding section 13.488 of the statutes, the department of transportation shall convey to a nonprofit organization title in fee simple to properties

Vetoed
in Part

- 725 -

Vetoed owned by the state located at 310 West avenue and at
in Part ~~332 Newhall Avenue~~ in the city of Waukesha if all of
the following occur:

1. The nonprofit organization agrees to use the properties as a business incubator, as defined in section 234.01 (3) of the statutes.

Vetoed 2. The nonprofit organization agrees to reimburse
in Part ~~the department of transportation for the cost of the investigation under paragraph (a).~~

(2n) GENERAL MITCHELL INTERNATIONAL AIRPORT GRANT. From the appropriation under section 20.395 (2) (dq) of the statutes, as affected by this act, the department of transportation shall provide a grant of \$75,000 to General Mitchell International Airport for the purpose of promoting the use of the airport.

(4x) USH 12 IMPROVEMENT PLANNING. The department of transportation shall do all of the following:

(a) Conduct preliminary design or engineering work in preparation for the possible improvement of USH 12 between Middleton and Sauk City in Dane and Sauk counties.

(b) Hold public meetings to promote the discussion and development of alternative plans, including a 2-lane road option, for the improvement of USH 12 between Middleton and Sauk City in Dane and Sauk counties and to assess the social and environmental impacts of the alternative plans on the Wisconsin river valley and western Dane county and the impacts of the alternatives on highway safety.

Vetoed (c) Establish a committee composed of members of
in Part ~~the public who reside in the Wisconsin river valley or western Dane county and who are representatives of varying viewpoints, a majority of whom reside in the town of Springfield or the town of Roxbury in Dane county, for the purpose of providing public input into the process by which the department selects a plan for the improvement of USH 12 between Middleton and Sauk City in Dane and Sauk counties.~~

Vetoed (d) Include the findings and recommendations of
in Part ~~the committee under paragraph (c) in a report to the transportation projects commission and to the joint committee on finance by September 1, 1991.~~

(5n) REIMBURSEMENT FOR VILLAGE OF VALDERS. Within 10 days after the effective date of this subsection, the department of transportation shall pay \$29,000 from the appropriation under section 20.395 (1) (as) of the statutes, as created by this act, to the village of Valders.

(5p) REIMBURSEMENT FOR VILLAGE OF BEAR CREEK. Within 10 days after the effective date of this subsection, the department of transportation shall pay \$10,000 from the appropriation under section 20.395 (1) (at) of the statutes, as created by this act, to the village of Bear Creek.

(6g) DISADVANTAGED BUSINESS DEMONSTRATION AND TRAINING PROGRAM SUNSET. The repeal of 1987 Wisconsin Act 399, sections 54e, 54egg, 54etg, 54fb, 54fgg, 54frg, 54m, 54mfg, 54mt, 54r, 54rgg, 54rt, 54v,

54vgg, 54vt, 305rh and 3204 (52) (aj) by this act applies notwithstanding section 990.03 (3) of the statutes.

(6n) TEMPORARY FUNDING OF PROJECTS FINANCED BY REVENUE BONDS.

(a) Except as provided in paragraph (b), the department of transportation may not encumber an amount under section 20.395 (9) (th) of the statutes that exceeds \$60,450,000 in fiscal year 1989-90 or \$70,950,000 in fiscal year 1990-91.

(b) The department of transportation may exceed the amounts specified in paragraph (a) by the amount that the amounts in the schedule under section 20.005 (3) of the statutes for the appropriation under section 20.395 (3) (bx) of the statutes exceed the amounts received under section 20.395 (3) (bx) of the statutes.

(6p) PERFORMING ARTS CENTER HIGHWAY SIGNS. The department of transportation, before December 31, 1989, shall erect highway signs on I 94 in the city of ~~Milwaukee~~ **Vetoed** as the highway approaches downtown **in Part** Milwaukee from the south and the west that guide traffic to the performing arts center in the city of Milwaukee.

(7d) STH 151 AND USH 41. Of the amounts authorized under section 20.395 (3) and (9) (th) of the statutes, \$2,000,000 in 1989-90 and \$2,000,000 in 1990-91 may be used only for the purpose of providing funding for design and engineering for improvements to STH 151 and USH 41.

(7e) ROCK COUNTY REGIONAL TRANSPORTATION STUDY. The department of transportation, in cooperation with city of Beloit, the city of Janesville and Rock county, shall complete a study of present and future local and regional transportation needs in Rock county, especially regarding the problem of heavy truck traffic traveling through urban and residential areas of Beloit and Janesville as well as economic development needs. The regional study shall develop and evaluate various alternatives for alleviating the truck traffic through the urban areas and shall be completed by the end of 1991. The department of transportation shall consult with local units of government on the study design and methodology for the study. If the recommended solution involves construction of major highway projects in the area, the department shall consult with local governments regarding project design and ensure that the candidate major projects are ready for consideration by the transportation projects commission by September 1, 1992.

(7n) STH 29. Of the amounts authorized under section 20.395 (9) (th) of the statutes, \$3,500,000 may be used in the 1989-91 fiscal biennium only for the purpose of providing funding for design and engineering for improvements to STH 29 authorized under section 84.013 (3) (yd) of the statutes, as created by this act.

(7p) STH 131 BICYCLE WAY AND SIDEWALK. The department of transportation shall construct before August 15, 1990, a bicycle way and sidewalk separately from but near STH 131 from the village of Viola to the Kickapoo high school if the village of Viola and the school district operating Kickapoo high school each pay \$25,000 to the department before December 31, 1989. The department shall expend at least \$25,000 from the appropriation under section 20.395 (3) (cq) of the statutes for the construction.

(7x) AMTRAK SERVICE DEMONSTRATION PROJECT.

(a) In this subsection:

1. "Amtrak" means the National Railroad Passenger Corporation.
2. "City" means the city of Milwaukee.
3. "Department" means the department of transportation.

(b) Except as provided in paragraph (d), the department may contract with Amtrak to provide additional rail passenger service between the city and Chicago, Illinois, with a stop in Sturtevant, Wisconsin. The rail passenger service contracted for under this paragraph shall be in addition to regularly scheduled rail passenger service between the city and Chicago, Illinois, on the effective date of this paragraph. The department shall fund a contract under this paragraph from the appropriation under section 20.395 (2) (br) of the statutes, as created by this act. A contract under this paragraph may not provide for additional rail passenger service after December 31, 1991.

(c) If the department enters into a contract under paragraph (b), the city shall conduct a rail passenger service demonstration project to determine if sufficient ridership can be attracted to rail passenger service to justify state subsidies for rail passenger service. The city shall be responsible for the operation and management of the demonstration project, including responsibility for monitoring service quality and promoting rail passenger service. The department shall assist the city in conducting the demonstration project by providing technical assistance in statistical analysis and market data collection. The department and the city shall exchange information, and consult on the status of, the demonstration project.

(d) The department may not enter into a contract under paragraph (b) before the department and the city agree in writing on all of the following:

1. Minimum ridership criteria to determine if additional passenger service shall continue after December 31, 1990.
2. Minimum ridership criteria to be applied after December 31, 1990.
3. Criteria to determine if additional passenger service should continue after December 31, 1991.
4. The number and timing of interim reports, and the timing of a final report, required under paragraph (e).

(e) The city shall study the impact of additional rail passenger service and submit its reports to the department.

(f) The department shall request the state of Illinois to participate in the demonstration project and to appropriate funds for rail passenger service between the city and Chicago, Illinois.

(8m) MASS TRANSIT OPERATING ASSISTANCE. In computing state mass transit operating assistance payments under section 85.20 (4m) of the statutes based on operating expenses incurred by urban mass transit systems in calendar year 1989, the department of transportation shall assume that 50% of each urban mass transit system's operating expenses for calendar year 1989 are incurred between January 1, 1989, and June 30, 1989, and that 50% of each urban mass transit system's operating expenses for calendar year 1989 are incurred between July 1, 1989, and December 31, 1989.

SECTION 3055. Nonstatutory provisions; university of Wisconsin system.

(1) COMPETITIVE COMPENSATION FOR FACULTY.

(a) In this subsection:

1. "Board of regents" means the board of regents of the university of Wisconsin system.
2. "Center" has the meaning given under section 36.05 (4) of the statutes.
3. "Faculty" means persons who hold the rank of professor, associate professor, assistant professor or instructor in an academic department or its functional equivalent in an institution and persons described under section 36.13 (4) (c) of the statutes, as created by this act, but does not include persons who hold a position identified in section 20.923 (4), (4m) or (5) of the statutes.
4. "Institution" has the meaning given under section 36.05 (9) of the statutes.

(b) Notwithstanding section 36.09 (1) (j) of the statutes, in addition to any salary adjustments made under sections 36.09 (1) (j) and 230.12 (3) (e) of the statutes in the 1989-91 fiscal period, the board of regents shall grant to faculty members increases in base salary equivalent to a total of \$5,832,400 in fiscal year 1989-90 and a total of \$21,737,700 in fiscal year 1990-91 in the manner prescribed in this subsection.

(c) The board of regents shall allocate moneys for the salary increases provided under paragraph (b) within the appropriation or appropriations funding each faculty position before allocating moneys for any purpose other than salaries, fringe benefits or contractual obligations incurred before the effective date of this paragraph.

(d) The board of regents shall distribute salary increases under paragraph (b) in the following proportions at the following times:

1. Fifty percent of the total increase commencing on January 1, 1990.
2. Twenty-five percent of the total increase commencing on July 1, 1990.

3. Twenty-five percent of the total increase commencing on January 1, 1991.

(e) The secretary of administration, acting under section 16.50 (2) of the statutes, shall withhold approval of expenditure estimates from the appropriations under section 20.285 (1) (a) and (im) of the statutes, as affected by this act, for the moneys allocated under paragraph (b) until the cochairpersons of the joint committee on employment relations notify the secretary that the joint committee has approved guidelines for distribution of the moneys in these appropriations.

(f) No later than October 1, 1989, the board of regents of the university of Wisconsin system shall submit proposed guidelines under paragraph (e) for the approval of the joint committee on employment relations which shall take into account all of the following:

1. Market forces outside the university of Wisconsin system that affect faculty retention and recruitment within each discipline.

2. Excellence in teaching, research and public service.

3. Documented faculty retention and recruitment problems.

4. Differences in teaching loads.

5. Forces outside the university of Wisconsin system that affect the ability of the system to retain and recruit faculty.

(g) No later than November 1, 1989, the joint committee on employment relations shall review and approve or approve with modifications the guidelines submitted under paragraph (f).

(h) No later than November 1, 1990, and November 1, 1991, the board of regents shall report to the governor and the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2):

1. Faculty retention and recruitment statistics within each discipline for each institution and center.

2. The specific needs, for each institution and center, in the areas of faculty retention and recruitment.

3. The method by which the board's plans for distribution of the moneys allocated under paragraph (b) address these needs.

4. The degree to which teaching load and excellence in teaching, research and public service were factored in distributing the moneys allocated under paragraph (b).

5. A comparison of cost-of-living differences within the regions of the United States from which the board of regents recruits faculty.

6. Information relating to fringe benefit programs offered at institutions of higher education in Illinois, Indiana, Iowa, Michigan, Minnesota and Ohio in comparison to the fringe benefit program offered by the board of regents.

(2) SPECIAL SUPPLEMENTAL ACADEMIC STAFF SALARY ADJUSTMENTS.

(a) In this subsection:

1. "Academic staff" has the meaning given under section 36.05 (1) of the statutes, as affected by this act.

2. "Board of regents" means the board of regents of the university of Wisconsin system.

(b) Notwithstanding section 36.09 (1) (j) of the statutes, in addition to any salary adjustments made under sections 36.09 (1) (j) and 230.12 (3) (e) of the statutes in the 1989-91 fiscal period, the board of regents shall grant to academic staff members increases in base salary for the 1988-89 fiscal period equivalent to a total of \$2,427,100 in fiscal year 1989-90 and a total of \$8,495,100 in fiscal year 1990-91 in the manner prescribed in this subsection.

(c) Notwithstanding paragraph (b), the department of administration, acting under section 16.50 (2) of the statutes, shall withhold approval of expenditure estimates for the salary increases provided under this subsection until the board of regents and the secretary of employment relations jointly submit a proposed distribution plan for the salary increases to the joint committee on employment relations and the plan is approved under this paragraph. The plan shall include:

2. An examination of the extent to which markets outside the university of Wisconsin system exist for services performed by academic staff.

3. An explanation of the specific needs the salary increases are expected to address.

4. An explanation of the means by which the plan specifically addresses those needs.

5. An explanation of how the salary increases will be utilized to help recruitment and retention of academic staff.

(d) The joint committee on employment relations shall review and adopt, adopt with modifications or disapprove the plan submitted under paragraph (c) in accordance with the procedure under section 230.12 (3) (b) of the statutes. The plan shall take effect upon approval by the joint committee on employment relations under this paragraph. The board of regents and the secretary of employment relations shall submit the plan to the joint committee on employment relations no later than November 1, 1989.

~~(2g) SPECIAL SUPPLEMENTAL GRADUATE ASSISTANT SALARY ADJUSTMENTS. Of the moneys appropriated to the board of regents of the university of Wisconsin system under section 20.285 (1) (a) of the statutes, \$208,700 for fiscal year 1989-90 and \$208,700 for fiscal year 1990-91 are allocated for special supplemental salary increases for program, project and teaching assistants, in addition to any salary increases comparable to those granted to nonrepresented employees in the classified service under section 230.12 of the statutes in the 1989-91 fiscal biennium. Of the moneys appropriated to the board of regents of the university~~

Vetoed
in Part

Vetoed
in Part

of Wisconsin system under section 20.285 (1) (m) of the statutes, \$91,300 for fiscal year 1989-90 and \$91,300 for fiscal year 1990-91 are allocated for special supplemental salary increases for program, project and teaching assistants, in addition to any salary increases comparable to those granted to nonrepresented employees in the classified service under section 230.12 of the statutes in the 1989-91 fiscal biennium. The department of administration, acting under section 16.50 (2) of the statutes, shall withhold approval of expenditure estimates for the moneys allocated under this subsection until the legislature approves a collective bargaining agreement for the 1989-91 fiscal biennium covering employees in the program, project and teaching assistants collective bargaining unit at the university of Wisconsin-Madison and the university of Wisconsin-extension.

(3j) SCHOOLS OF BUSINESS. By March 15, 1990, the board of regents of the university of Wisconsin system shall submit a report to the joint committee on finance on the state's need for business programs, whether current programs satisfy those needs and how the board plans to use the funds in the appropriations under section 20.285 (1) (em) and (Ls) of the statutes, as created by this act. The board may not spend any of the amounts in those appropriations unless the joint committee on finance approves the board's plan.

Vetoed
in Part

(4n) USH 12 DEVELOPMENT ASSESSMENT. The board of regents of the university of Wisconsin system shall direct the university of Wisconsin-Madison department of urban and regional planning to assess the social and environmental impacts of the development of USH 12 between Middleton and Sauk City, in Dane and Sauk counties, on the Wisconsin river valley and western Dane county. The board of regents shall report the finding of the assessment to the joint committee on finance no later than June 30, 1991.

(5c) SATELLITE FOOD ANIMAL CLINICAL FACILITY. On July 1, 1989, the board of regents of the university of Wisconsin system shall transfer control of the satellite food animal clinical facility at the university of Wisconsin-River Falls from the university of Wisconsin-Madison to the university of Wisconsin-River Falls, in accordance with the board's December 9, 1988, resolution relating to the use of the facility. The facility shall be used as an agricultural resource center for educational programming for the region's agricultural community.

(5j) FUNDING ALLOCATIONS.

(a) *General program operations.* The board of regents of the university of Wisconsin system shall allocate the following amounts for the following purposes from the appropriation under section 20.285 (1) (a) of the statutes, as affected by this act:

1. 'Groundwater research.' For groundwater research, \$200,000 in the 1989-90 fiscal year and \$300,000 in the 1990-91 fiscal year.

2. 'Distinguished professorships.' For distinguished professorships, \$56,000 in the 1989-90 fiscal year and \$75,000 in the 1990-91 fiscal year. Vetoed in Part

3. 'Minority entrepreneurship program.' For the university of Wisconsin-Milwaukee school of business minority entrepreneurship program, \$143,600 in the 1989-90 fiscal year and \$75,000 in the 1990-91 fiscal year.

4. 'Agricultural and rural research.' For agricultural and rural research, applied research and research projects affecting industry and biotechnology, \$315,500 in the 1989-90 fiscal year and \$706,500 in the 1990-91 fiscal year. The board shall submit a report to the joint committee on finance regarding its intended use of the funds allocated under this paragraph and may spend the funds allocated under this paragraph only upon approval of the report by the joint committee on finance.

5. 'Wilder Crane professorship of government.' To assist in establishing the Wilder Crane professorship of government at the university of Wisconsin-Milwaukee department of political science, \$30,000 in the 1990-91 fiscal year. Of the amount allocated under this paragraph, the board may not spend \$10,000 without the approval of the joint committee on finance. The committee shall approve the expenditure only if it determines that at least \$10,000 has been received in contributions for the professorship.

6. 'Integrated agriculture program.' For the integrated agriculture program, \$145,400 in the 1989-1990 fiscal year and \$120,600 in the 1990-91 fiscal year. All funds under this subdivision, other than \$54,000 in the 1990-91 fiscal year, shall not be included in the appropriation's base.

(b) *Industrial and economic development research.* The board of regents of the university of Wisconsin system shall allocate the following amounts for the following purposes from the appropriation under section 20.285 (1) (as) of the statutes:

1. 'Sustainable agriculture projects.' For competitive grants for sustainable agriculture projects, \$160,000 in the 1989-90 fiscal year and \$160,000 in the 1990-91 fiscal year.

2. 'Applied research and challenge fund.' For the applied research and challenge fund, \$214,500 in the 1989-90 fiscal year and \$181,500 in the 1990-91 fiscal year.

(5L) LYME DISEASE STUDY. The board of regents of the university of Wisconsin system shall direct the university of Wisconsin-Madison college of agricultural and life sciences to perform research on biological control related to the deer tick. The college shall complete its study by June 30, 1991.

(6g) APPOINTMENT OF COUNCIL ON PHYSICIAN LOANS. Notwithstanding section 15.917 (2m) of the statutes, as created by this act, of the initial public members of the council on physician loans, the following shall be appointed for the following terms: Vetoed in Part

Vetoed
in Part

- (a) One member, for a term expiring on July 1, 1991.
- (b) One member, for a term expiring on July 1, 1992.
- (c) Two members, for terms expiring on July 1, 1993.
- (d) Two members, for terms expiring on July 1, 1994.
- (e) Two members, for terms expiring on July 1, 1995.

Vetoed
in Part

(6g) CHILD SUPPORT SUPPLEMENT PROGRAM EVALUATION. The board of regents of the university of Wisconsin system shall allocate \$125,000 in fiscal year 1989-90 and \$35,000 in fiscal year 1990-91 from the appropriation under section 20.285 (1) (a) of the statutes for the institute for research on poverty to evaluate the child support supplement program under section 46.257 of the statutes.

(7g) PARKING PERMIT FEES. The board of regents of the university of Wisconsin system shall direct the university of Wisconsin-Madison to increase its parking permit fees beginning in the 1989-90 academic year by 25% above the proposed 1989-90 rates.

(8g) RESEARCH INTO ALTERNATIVES TO SOLID WASTE DISPOSAL. The board of regents of the university of Wisconsin system shall ensure that the first research project undertaken under section 36.25 (3m) (c) of the statutes, as created by this act, shall be located at a cocomposting digester facility for the cocomposting of solid waste and sludge from wastewater treatment facilities that has been operating since at least January 1, 1989. The research shall address the appropriateness of using compost from the facility as an agricultural soil treatment, with particular emphasis on the potential for such a practice to result in the contamination of groundwater, crops or livestock with toxic or hazardous materials.

SECTION 3056. Nonstatutory provisions; veterans affairs.

(1) VETERAN RETRAINING APPROPRIATION. Not more than \$60,000 in fiscal year 1989-90 and not more than \$70,000 in fiscal year 1990-91 of the amounts in the appropriation under section 20.485 (2) (vm) of the statutes may be expended for the purposes specified under section 45.397 of the statutes, as created by this act.

(2) VETERAN RETRAINING STUDY. The department of veterans affairs shall study the impact of the veterans retraining program under section 45.397 of the statutes, as created by this act, and shall submit a report by January 31, 1991, to the department of administration and to the chief clerk of each house of the legislature for distribution to the legislature in the manner provided in section 13.172 (2) of the statutes. The report shall include an accounting of state funds expended on the program, a summary of activities involved in establishing and operating the program, data on the types of veterans using the program, the

type of retraining provided under the program and recommendations for any changes in the program.

(3) VETERAN RETRAINING RULES.

(a) The department of veterans affairs shall submit any proposed rules to administer the veterans retraining program under section 45.397 of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than November 1, 1989.

(b) Using the procedure under section 227.24 of the statutes, the department of veterans affairs shall promulgate rules to administer the veterans retraining program under section 45.397 of the statutes, as created by this act, for the period prior to the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency.

(4) VETERANS BUSINESS LOAN APPROPRIATION. Not more than \$200,000 in fiscal year 1989-90 and not more than \$200,000 in fiscal year 1990-91 of the amounts in the appropriation under section 20.485 (2) (y) of the statutes may be expended for the purposes specified under section 45.351 (2) (a) 2 of the statutes, as created by this act.

(5) VETERANS BUSINESS LOAN STUDY. The department of veterans affairs shall study the impact of the veterans business loan program under section 45.351 (2) (a) 2 of the statutes, as created by this act, and shall submit its report by January 31, 1991, to the department of administration and to the chief clerk of each house of the legislature for distribution to the legislature in the manner provided in section 13.172 (2) of the statutes. The report shall include an accounting of funds expended on the program, a summary of activities involved in establishing and operating the program, data on the types of businesses established under the program and recommendations for any changes in the program.

(7d) VETERANS HOME STARTING LEVEL. Of the amounts appropriated to the department of veterans affairs under section 20.485 (1) (gk) of the statutes, the department may not expend \$171,200 in fiscal year 1989-90 and \$217,200 in fiscal year 1990-91 of full-time FTE nursing positions without the approval of the joint committee on finance at a regular quarterly meeting held under section 13.10 (1) of the statutes. The joint committee on finance shall approve the expenditure of the funds and the filling of the positions only if the committee determines that the population and resident skill mix at the Wisconsin veterans home at King warrant expending the funds and filling the positions.

(7m) VETERANS SMALL BUSINESS STUDY. The department of veterans affairs, in cooperation with other public and private agencies concerned with small business ownership by veterans, shall study the investment

Vetoed
in Part

problems of businesses owned in part or in total by veterans. By January 1, 1990, the department of veterans affairs shall submit a report to the chief clerk of each house of the legislature, for distribution to the legislature in the manner provided under section 13.172 (2) of the statutes, detailing a plan to link small businesses owned in part or in total by veterans with investors who provide equity capital to new or growing small firms and who make those investments directly, rather than through intermediaries such as venture capital firms, public stock markets or other institutional investors.

(8g) COUNCIL ON VETERANS PROGRAMS. The term of the initial representative of the Wisconsin Association of Concerned Veteran Organizations on the council on veterans programs under section 15.497 (2) of the statutes, as affected by this act, shall commence when the term of the incumbent representative of the National Association of Concerned Veterans expires.

Vetoed
in Part

(9g) HOMELESS VETERANS REINTEGRATION. From the appropriation under section 20.485 (2) (e) of the statutes, as created by this act, the department of veterans affairs shall expend \$50,000 in fiscal year 1989-90 and \$50,000 in fiscal year 1990-91 for the long-term transitional housing program of the minority homeless veterans reintegration project operating in Milwaukee county on June 30, 1989. The moneys shall be used to finance supportive services for those veterans, including health care, mental health care, education and training, job development and placement and post-traumatic stress disorder counseling.

SECTION 3057. Nonstatutory provisions; vocational, technical and adult education.

(2) DISTRICT BOARD MEMBERSHIP.

(a) Notwithstanding section 38.08 (1) (a) of the statutes, as affected by this act, the members of vocational, technical and adult education district boards serving on the effective date of this paragraph may continue to serve for the terms for which they were appointed or until their successors are appointed and qualified, whichever occurs later.

(b) In order to bring the membership of vocational, technical and adult education district boards into conformance with section 38.08 (1) (a) 1 of the statutes, as affected by this act:

1. The first vacancy occurring on a vocational, technical and adult education district board on or after the effective date of this subdivision resulting from the expiration of the term of an employer member shall be filled with an additional member.

2. The first vacancy occurring on a vocational, technical and adult education district board on or after the effective date of this subdivision resulting from the expiration of the term of an employee member shall be filled with an elected official.

Vetoed
in Part

(3d) INCENTIVE GRANTS. Notwithstanding section 20.001 (3) (b) of the statutes, in the 1989-91 biennium the board of vocational, technical and adult education may spend from the appropriation under section

20.292 (1) (ds) of the statutes, as affected by this act, any funds remaining in the account for that appropriation at the end of the 1988-89 fiscal year.

Vetoed
in Part

(3e) NURSE'S ASSISTANT AND HOME HEALTH AIDE TRAINING PROGRAMS. From the appropriation under section 20.292 (1) (ka) of the statutes, the state board of vocational, technical and adult education shall allocate up to \$130,000 in state fiscal year 1989-90 for grants to vocational, technical and adult education district boards to develop and distribute satellite television instructional programs and programs for communication by other media for use by nursing homes, home health agencies and postsecondary educational institutions that provide programs required for completion by nurse's assistants, home health aides under section 146.40 (2) of the statutes, as affected by this act, and required for completion by registered nurses under section 146.40 (4c) of the statutes, as created by this act.

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in Part

SECTION 3058. Nonstatutory provisions; other.

(1cg) ADDITIONAL POSITION AUTHORIZATIONS OR APPROPRIATIONS. The authorized FTE positions for the department of administration, funded from the appropriation under section 20.475 (1) (r) of the statutes, as created by this act, are increased by 292.85 SEG positions on January 1, 1990, for district attorneys, deputy district attorneys and assistant district attorneys. The department of administration shall determine the number and types of positions available in each prosecutorial unit, subject to chapter 978 of the statutes, as created by this act. If the department of administration requests additional deputy district attorney or assistant district attorney positions or additional appropriations under section 20.475 (1) (r) or 20.505 (8) (a) of the statutes, as created by this act, under section 13.10 of the statutes, before January 1, 1990, the cochairpersons of the joint committee on finance shall schedule a meeting to consider the request to be held within 10 working days of the date the cochairpersons receive the request.

(1e) REGIONAL PROSECUTION; OPTION TO TRANSFER TO STATE EMPLOYMENT.

(a) A person employed as a deputy district attorney on December 31, 1989, has the option to transfer to state employment under section 978.12 of the statutes, as created by this act, in that capacity if the department of administration has authorized his or her position under section 978.03 of the statutes, as created by this act, or under subsection (1cg). If there are more deputy district attorneys in a prosecutorial unit seeking to transfer to state employment under this paragraph than there are positions available, the positions shall be filled by the persons having the greatest length of service as a deputy district attorney in the county in which the persons are employed. Notwithstanding section 978.03 (2) of the statutes, as created by this act, if a prosecutorial unit having a population of 100,000 or more but not more than 199,999 has 3 deputy district attorneys on June 1, 1989, all the persons employed in those positions may transfer to state

employment under this paragraph. As long as those persons are in the positions, the positions remain deputy district attorney positions. When each of the first 2 such persons leave the position, that position becomes an assistant district attorney position.

(b) A person employed as an assistant district attorney on December 31, 1989, has the option to transfer to state employment under section 978.12 of the statutes, as created by this act, in that capacity if the department of administration has authorized his or her position under section 978.03 or 978.04 of the statutes, as created by this act, or under subsection (1cg). If there are more assistant district attorneys in a prosecutorial unit seeking to transfer to state employment under this paragraph than there are positions available, the positions shall be filled by the persons having the greatest length of service as an assistant district attorney in the county in which the persons are employed.

(c) Any person who is employed as a deputy or assistant district attorney on the day prior to the effective date of this paragraph, who applies on or before that date to transfer to state employment and whose position is not authorized by the department of administration shall have the right to appointment to any vacant position as an assistant district attorney, and if the person was employed as a deputy district attorney on the day prior to the effective date of this paragraph, as a deputy district attorney, which is available to be filled by the department of justice after the effective date of this paragraph, within the prosecutorial unit under section 978.01 of the statutes, as created by this act, in which the person was employed on the day prior to the effective date of this paragraph for a period of 2 years from that date. If more than one such person is granted the right to an appointment to the same position under this subsection, the person having the greatest length of service as a deputy or assistant district attorney, or both, in the county in which he or she is employed on December 31, 1989, has the right to appointment.

(1f) REGIONAL PROSECUTION; INITIAL CLASSIFICATIONS AND SALARIES.

(a) Notwithstanding section 978.12 (1) (a) of the statutes, as created by this act, each district attorney shall be compensated by the state under that paragraph for the period beginning January 1, 1990, and ending January 7, 1991, based on his or her annual salary on December 31, 1989. Notwithstanding section 978.12 (1) (a) of the statutes, as created by this act, any district attorney who is paid a salary on the day prior to the effective date of this paragraph that exceeds the salary payable to the district attorney under section 978.12 (1) (a) of the statutes, as created by this act, shall be initially compensated at the same salary the district attorney received on the day prior to the effective date of this paragraph until such time as the salary otherwise payable under section 978.12 (1) (a) of the statutes, as created by this act, exceeds that

initial salary. Notwithstanding sections 978.01 (2) and 978.06 (3) and (5) of the statutes, as created by this act, a district attorney who serves on a part-time basis on December 31, 1989, shall continue on a part-time basis for the period beginning January 1, 1990, and ending January 7, 1991, and may engage in a private practice of law or may serve in a position described under section 978.06 (3) of the statutes, as created by this act, or both during that time period. A district attorney who serves on a full-time basis on December 31, 1989, shall continue on a full-time basis for the period beginning January 1, 1990, and ending January 7, 1991.

(b) Notwithstanding section 978.12 (1) (c) of the statutes, as created by this act, assistant district attorneys who hold positions on December 31, 1989, are initially allocated to the attorney 15 classification for purposes of salary administration.

~~(c) Notwithstanding section 20.923 (6) (de) of the statutes, as created by this act, on January 1, 1990, each assistant district attorney who is paid a salary on December 31, 1989, at or below the midpoint of the salary range to which his or her position is assigned shall be initially assigned to the regrade point in the attorney salary schedule of the state compensation plan under section 230.12 of the statutes closest to but not lower than the point for the salary which the assistant district attorney is paid on December 31, 1989. Notwithstanding section 20.923 (6) (de) of the statutes, as created by this act, on January 1, 1990, each assistant district attorney who is paid a salary on December 31, 1989, above the midpoint of the salary range to which his or her position is assigned shall be paid an initial salary equivalent to his or her salary on December 31, 1989. Any longevity bonus paid by a county to an assistant district attorney in the 12-month period prior to January 1, 1990, shall be included within the employee's salary for purposes of this paragraph, unless the longevity bonus is defined by the county as a fringe benefit, as provided in section 978.12 (6) of the statutes, as created by this act, and the assistant district attorney makes an election to continue to be covered by county fringe benefit plans as provided in that subsection.~~

(1fn) REGIONAL PROSECUTION; COLLECTIVE BARGAINING. Notwithstanding section 111.83 (3) of the statutes, the employment relations commission shall not hold an election to determine the initial representative of the collective bargaining unit specified in section 111.825 (2) (d) of the statutes, as created by this act, before January 2, 1991.

(1g) REGIONAL PROSECUTION; OPTION TO BECOME AN ATTORNEY PROVIDING SUPPORT ENFORCEMENT. If an assistant district attorney on the day prior to the effective date of this subsection has primary responsibility for handling cases under sections 46.25 (7), 59.07 (97), 767.075, 767.08, 767.45 and 767.65 of the statutes, as determined by the district attorney of the

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in Part**

prosecutorial unit, the assistant district attorney may choose either of the following options:

(a) Transfer to state employment as an assistant district attorney in accordance with subsection (1e).

(b) Become an attorney providing support enforcement under section 59.458 (1) of the statutes, as created by this act. If a county is subject to section 59.458 (1) (a) of the statutes, as created by this act, the county board must choose either the employment option or the contract option under that paragraph and offer the attorney the opportunity to provide support enforcement. If the county is subject to section 59.458 (1) (b) of the statutes, as created by this act, the county board must offer the attorney the opportunity to become a support enforcement attorney with no reduction in salary or benefits.

(1i) REGIONAL PROSECUTION; DISPOSITION OF PENDING CASES.

(a) In this subsection, "case" means an action or proceeding that a district attorney is permitted to commence or file prior to January 1, 1990, but, under this act, is not permitted to commence or file on or after that date.

(b) The office of district attorney in each prosecutorial unit shall be responsible for all cases formerly filed or commenced by the district attorney's office in that county or prosecutorial unit prior to January 1, 1990. Any case which is referred to a district attorney's office prior to January 1, 1990, but not formerly filed or commenced shall be referred by the district attorney to any officer or agency who is responsible for the case by law on or after that date. The case shall be referred as soon as possible after January 1, 1990, but not later than January 15, 1990.

(1j) REGIONAL PROSECUTION; TRANSFER OF PROPERTY TO STATE. Files, records, papers, documents and supplies made, used, acquired or held by county district attorneys shall be transferred to the state without cost to the state.

(3b) COMPENSATION AND FRINGE BENEFIT COST SUPPLEMENTS. Each state agency which pays its employees on a biweekly basis shall, when making any certification with respect to funding required by the agency for unbudgeted compensation and fringe benefit costs for the 1990-91 fiscal period under section 20.928 (1) of the statutes, separately identify any amount of money that is not required to pay the unbudgeted costs of compensation and fringe benefit adjustments for 26 biweekly pay periods.

Vetoed in Part (3h) ~~PROCUREMENTS FROM WOMEN'S BUSINESS ENTERPRISES. Notwithstanding section 16.75 (3a) (d) of the statutes, as created by this act, each designated agent under section 16.71 (1) of the statutes, as affected by this act, each agency making purchases under section 16.74 of the statutes and the lottery board shall, in its initial report under section 16.75 (3a) of the statutes, as created by this act, cover the period beginning with the first day of the 2nd month commencing after the effective date of this subsection.~~

(4r) DATA PROCESSING AND COMPUTER ACQUISITIONS. The department of administration shall, utilizing the procedure under section 16.50 of the statutes, require submission of expenditure estimates from each state agency, as defined in section 20.001 (1) of the statutes, for any proposed acquisition of data processing or computer materials or equipment or related materials or equipment for which funding is provided during the 1989-91 fiscal biennium at a level that exceeds the funding level provided during the 1987-89 fiscal biennium. The department shall review each expenditure estimate to ensure that the proposed expenditure is consistent with the statewide data processing and computer plans and purchasing standards of the department and that the proposed expenditure is not in conflict with any proposal or change in procedure that the department contemplates as a part of its strategic planning for data processing and telecommunications requirements. The department may withhold approval of any estimate for a proposed expenditure that it finds to be in conflict with these requirements.

(4t) APPROVALS REGARDING STRUCTURE IN FLOODWAY. Notwithstanding the requirements of sections 87.30, 145.02, 145.19 and 145.20 of the statutes and of implementing administrative rules and conforming county ordinances, as they apply to a recently renovated commercial structure located in the floodway of Rattlesnake creek in the town of Glen Haven, Grant county, within the geographic area called North Andover:

(a) The department of industry, labor and human relations shall issue a permit allowing installation of a holding tank for the collection of sanitary wastes generated in connection with use of the structure, notwithstanding the structure's location within the floodway; and

(b) The governing body responsible for administration of the Grant county floodplain zoning ordinance shall grant a variance or special exception allowing occupancy and continuing use of the structure in its prior nonconforming use, notwithstanding that:

1. Use of the structure for that purpose had discontinued for a period in excess of 12 consecutive months; and

2. The costs of renovation exceeded 50% of the prior equalized assessed value of the structure.

(5n) REPORTS ON EARLY RETIREMENTS. Each state agency, as defined in section 20.001 (1) of the statutes, shall file a quarterly report with the department of administration and joint committee on finance beginning no later than September 15, 1989, and ending no later than September 15, 1990, specifying, for the most recently completed calendar quarter, all of the following:

(a) The number of positions which became vacant as a result of elections under the early retirement provisions created by 1989 Wisconsin Act 13, section 47 (1), during the previous quarter.

(b) The annual salary being paid the previous incumbent in each vacated position.

(c) For each position, whether the vacated position was refilled, assigned different functions and then filled, held vacant or deauthorized.

(d) For each position, if the position was not held vacant or deauthorized, the annual salary paid to the individual hired into the vacated position.

(e) The amount of any additional savings anticipated by the state agency during the fiscal year of which the calendar quarter is a part as a result of early retirements by its employees under the early retirement provisions created by 1989 Wisconsin Act 13, section 47 (1).

Vetoed
in Part

~~(5w) SALARIES OF CONSTITUTIONAL OFFICERS. There is created a special committee named the "Blue Ribbon Commission on Salaries of Constitutional Officers". The commission shall consist of one individual appointed by each of the following: the governor, the senate majority leader, the senate minority leader, the speaker of the assembly and the assembly minority leader. The governor shall call the first meeting of the commission. At the first meeting, the commission shall organize by electing officers from among its members. The commission shall evaluate the salary structure of the constitutional officers identified in section 20.923 (2) (e) to (i) of the statutes and shall submit a report containing its recommendations concerning an appropriate salary structure to the chief clerk of each house of the legislature for distribution to the legislature in the manner provided in section 13.172 (2) of the statutes no later than October 1, 1989.~~

SECTION 3101. Appropriation changes; administration.

(1n) VEHICLE FLEET CONSOLIDATION. The department of administration shall transfer to the program revenue and segregated revenue appropriations of the department of agriculture, trade and consumer protection amounts equal to the values of vehicles owned by the department of agriculture, trade and consumer protection that were purchased from program revenue or segregated revenue appropriations and that are consolidated into the fleet of the department of administration based on the asset values of the vehicles at the time of consolidation. The department of administration shall deposit into the general fund an amount equal to the value of vehicles owned by the department of agriculture, trade and consumer protection that were purchased from general purpose revenue or federal revenue appropriations and that are consolidated into the fleet of the department of administration based on the asset values of the vehicles at the time of consolidation.

(1z) ALLOCATION OF OIL OVERCHARGE FUNDS TO THE EMPLOYMENT TRANSIT ASSISTANCE PROGRAM.

(a) Notwithstanding section 14.065 of the statutes, in fiscal year 1989-90, the secretary of administration

shall transfer from the appropriation under section 20.505 (1) (md) of the statutes, as affected by the acts of 1989, to the appropriation under section 20.395 (1) (bz) of the statutes, as created by this act, \$215,000 in oil overcharge funds, not authorized before the effective date of this paragraph for expenditure by the joint committee on finance, for the employment transit assistance program under section 85.26 of the statutes, as created by this act.

(b) Notwithstanding section 14.065 of the statutes, in fiscal year 1990-91, the secretary of administration shall transfer from the appropriation under section 20.505 (1) (md) of the statutes, as affected by the acts of 1989, to the appropriation under section 20.395 (1) (bz) of the statutes, as created by this act, \$385,000 in oil overcharge funds, not authorized before the effective date of this paragraph for expenditure by the joint committee on finance, for the employment transit assistance program under section 85.26 of the statutes, as created by this act.

SECTION 3104. Appropriation changes; agriculture, trade and consumer protection.

(1) SEED TESTING; APPROPRIATION TRANSFER. On the effective date of this subsection, the unencumbered balance of moneys credited, for testing and analysis of seed, to the appropriation under section 20.115 (1) (g) of the statutes is transferred to the appropriation under section 20.115 (7) (gm) of the statutes, as affected by this act, for the same purpose.

(1n) MILK STANDARDS REPAYMENT. On the effective date of this subsection, there is lapsed to the general fund from the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (8) (ga) of the statutes, as affected by the acts of 1989, an amount equal to the unencumbered balance in that appropriation at the end of fiscal year 1988-89.

(2) SERVICE AUDITS; APPROPRIATION TRANSFER. On the effective date of this subsection, the unencumbered balance of moneys credited, for investigations and audits under section 93.06 (6) (b), 100.06 (1) (c) or 100.07 of the statutes, to the appropriation under section 20.115 (3) (g) of the statutes is transferred to the appropriation under section 20.115 (1) (g) of the statutes, as affected by this act, for the same purpose.

(2n) VEHICLE FLEET CONSOLIDATION. The unencumbered balance in the appropriation under section 20.115 (8) (k) of the statutes, as repealed by this act, is transferred to the appropriation under section 20.115 (8) (jm) of the statutes, as created by this act.

SECTION 3123. Appropriation changes; health and social services.

(1) CREATION OF DEPARTMENT OF CORRECTIONS.

(a) There is transferred from the appropriation to the department of health and social services under section 20.435 (1) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes,

as affected by the acts of 1989, \$4,592,600 in fiscal year 1989-90 and \$8,780,800 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 119.2 FTE GPR positions and the incumbents in the bureau of correctional health services in the division of health in the department of health and social services are transferred to the department of corrections. Under this paragraph, on July 1, 1990, an additional 9.5 FTE GPR positions authorized by this act in the bureau of correctional health services in the division of health in the department of health and social services are transferred to the department of corrections.

(b) There is transferred from the appropriation to the department of health and social services under section 20.435 (1) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1989, \$31,300 in fiscal year 1989-90 and \$52,300 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 1.0 FTE GPR position and the incumbent in the office of management and policy in the division of health in the department of health and social services are transferred to the department of corrections.

(d) There is transferred from the appropriation to the department of health and social services under section 20.435 (2) (f) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (f) of the statutes, as affected by the acts of 1989, \$121,300 in fiscal year 1989-90 and \$258,500 in fiscal year 1990-91.

(e) There is transferred from the appropriation to the department of health and social services under section 20.435 (2) (aa) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (aa) of the statutes, as affected by the acts of 1989, \$38,600 in fiscal year 1989-90 and \$77,100 in fiscal year 1990-91.

(f) There is transferred from the appropriation to the department of health and social services under section 20.435 (2) (gk) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (kk) of the statutes, as affected by the acts of 1989, \$500 in fiscal year 1989-90 and \$1,000 in fiscal year 1990-91.

(g) There is transferred from the appropriation to the department of health and social services under section 20.435 (2) (i) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (i) of the statutes, as affected by the acts of 1989, \$100 in fiscal year 1989-90 and \$200 in fiscal year 1990-91.

(h) There is transferred from the appropriation to the department of health and social services under section 20.435 (2) (kx) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (kx) of the statutes, as affected by the acts of 1989, \$2,700 in fiscal year 1989-90 and \$5,300 in fiscal year 1990-91.

(i) There is transferred from the appropriation to the department of health and social services under section 20.435 (2) (ee) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (e) of the statutes, as affected by the acts of 1989, \$614,400 in fiscal year 1989-90 and \$598,400 in fiscal year 1990-91.

(j) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1989, \$19,100 in fiscal year 1989-90 and \$35,600 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 1.0 FTE GPR position and the incumbent in the internal audit section in the bureau of fiscal services in the division of management services in the department of health and social services are transferred to the department of corrections.

(k) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1989, \$78,900 in fiscal year 1989-90 and \$146,800 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 4.0 FTE GPR positions and the incumbents in the bureau of fiscal services in the division of management services in the department of health and social services are transferred to the department of corrections.

(m) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1989, \$179,100 in fiscal year 1989-90 and \$333,100 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 6.9 FTE GPR positions and the incumbents in the bureau of facilities and management services in the division of management services in the department of health and social services are transferred to the department of corrections.

(n) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (k) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (kk) of the statutes, as affected by the acts of 1989, \$37,100 in fiscal year 1989-90 and \$69,600 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 1.6 FTE PR positions and the incumbents in the bureau of facilities and management services in the division of management services in the department of health and social services are transferred to the department of corrections.

(o) There is transferred from the appropriation to the department of health and social services under sec-

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tion 20.435 (8) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1989, \$451,700 in fiscal year 1989-90 and \$846,700 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 21.0 FTE GPR positions and the incumbents in the bureau of personnel and employment relations in the division of management services in the department of health and social services are transferred to the department of corrections.

(p) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (k) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (kk) of the statutes, as affected by the acts of 1989, \$2,816,800 in fiscal year 1989-90 and \$5,806,800 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 10.0 FTE PR positions and the incumbents in the bureau of administration in the division of management services in the department of health and social services are transferred to the department of corrections.

(q) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1989, \$71,100 in fiscal year 1989-90 and \$132,800 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 3.5 FTE GPR positions and the incumbents in the division of policy and budget in the department of health and social services are transferred to the department of corrections.

(r) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1989, \$96,800 in fiscal year 1989-90 and \$180,800 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 4.0 FTE GPR positions and the incumbents in the office of legal counsel in the office of the secretary in the department of health and social services are transferred to the department of corrections.

(s) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of administration under section 20.505 (4) (fb) of the statutes, as affected by the acts of 1989, \$343,300 in fiscal year 1989-90 and \$641,300 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 13.0 FTE GPR positions and the incumbents in the office of administrative hearings in the office of the secretary in the department of health and social services are transferred to the division of corrections hearings in the department of administration.

(u) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of administration under section 20.505 (4) (fc) of the statutes, as affected by the acts of 1989, \$-0- in fiscal year 1989-90 and \$-0- in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 8.5 FTE GPR positions and the incumbents for the parole board in the office of the secretary in the department of health and social services are transferred to the parole commission in the department of administration.

(2n) ALCOHOL AND OTHER DRUG ABUSE EXPENDITURES FROM FEDERAL FUNDS.

(a) Within the limits of the availability of federal funds, there is transferred from the appropriation to the department of health and social services under section 20.435 (7) (ma) of the statutes, as affected by the acts of 1989, to the appropriation to the department of health and social services under section 20.435 (3) (ky) of the statutes, as affected by the acts of 1989:

1. In each of state fiscal years 1989-90 and 1990-91, \$160,000 to provide funding for the passage program at the Milwaukee women's correctional center.

2. In each of state fiscal years 1989-90 and 1990-91, \$329,600 to provide funding for 2 halfway houses that received funding during the 1988-89 state fiscal year and that provide residential drug abuse treatment services to female offenders.

(b) Within the limits of the availability of federal funds, there is transferred from the appropriation to the department of health and social services under section 20.435 (7) (ma) of the statutes, as affected by the acts of 1989, to the appropriation to the department of health and social services under section 20.435 (3) (kx) of the statutes, as affected by the acts of 1989, \$246,200 in state fiscal year 1989-90 and \$235,700 in state fiscal year 1990-91 to provide funding for alcohol and other drug abuse programs that received funding during the 1988-89 state fiscal year at the Ethan Allen and Lincoln Hills secured correctional facilities.

SECTION 3135. **Appropriation changes; legislature.**

(1n) SPEARFISHING ENFORCEMENT AID. There is transferred from the appropriation to the joint committee on finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of natural resources under section 20.370 (4) (ga) of the statutes, as affected by the acts of 1989, \$300,000 in fiscal year 1989-90.

SECTION 3140. **Appropriation changes; natural resources.**

(1) GENERAL FUND; SERVICE FUNDS. The unencumbered balance in the appropriation under section 20.370 (1) (mi), 1987 stats., is transferred to the appropriation under section 20.370 (1) (mk) of the statutes, as affected by this act.

(1g) ENVIRONMENT AIDS; NONPOINT SOURCE. There is lapsed to the general fund \$247,000 of the unencumbered balance in the appropriation under section 20.370 (4) (cc) of the statutes, as affected by this act.

(2) CONSERVATION FUND; SERVICE FUNDS. The unencumbered balance in the appropriation under section 20.370 (1) (mt), 1987 stats., is transferred to the appropriation under section 20.370 (1) (mk) of the statutes, as affected by this act.

(3) SOLID WASTE MANAGEMENT REIMBURSEMENT. The unencumbered balance in the appropriation under section 20.370 (2) (di), 1987 stats., is transferred to the appropriation under section 20.370 (2) (fq) of the statutes, as created by this act.

(4) ENVIRONMENTAL DAMAGE COMPENSATION. The unencumbered balance in the appropriation under section 20.370 (2) (fi), 1987 stats., is transferred to the appropriation under section 20.370 (2) (fq) of the statutes, as created by this act.

(5) FACILITY REPAIR AND MAINTENANCE — GENERAL FUND. The unencumbered balance in the appropriation under section 20.370 (8) (La), 1987 stats., is transferred to the appropriation under section 20.370 (8) (ba) of the statutes.

(6) FACILITY REPAIR AND MAINTENANCE — PARKS AND YOUTH CAMPS. The unencumbered balance in the appropriation under section 20.370 (8) (Lc), 1987 stats., is transferred to the appropriation under section 20.370 (8) (ba) of the statutes.

(7) FACILITY REPAIR AND MAINTENANCE. The unencumbered balance in the appropriation under section 20.370 (8) (Lr), 1987 stats., is transferred to the appropriation under section 20.370 (8) (br) of the statutes.

(8) SNOWMOBILE ENFORCEMENT AND ADMINISTRATION. Notwithstanding section 350.12 (4) (b) 1m of the statutes, if the unencumbered balance in the appropriation under section 20.370 (4) (bt) of the statutes, as affected by this act, is \$300,000 or more on June 30, 1989, the secretary of natural resources may transfer not more than \$160,000 total in fiscal year 1989-90 to the appropriations under section 20.370 (3) (aq), (4) (ft) and (is) and (8) (dq) of the statutes, and may transfer not more than \$140,000 total in fiscal year 1990-91 to the appropriations under section 20.370 (3) (aq), (4) (ft) and (is) and (8) (dq) of the statutes.

(9c) CLEAN WATER FUND TRANSFER. From the clean water fund, there is transferred to the general fund on June 30, 1991, \$610,500 or the amount by which the fees collected during the 1989-91 biennium under section 144.241 (9) (e) of the statutes, as created by this act, exceed \$610,500, whichever is less.

(9n) NONPOINT SOURCE LAPSE. From the unencumbered balance in the appropriation under section 20.370 (4) (cc) of the statutes, as affected by this act, \$250,000 is lapsed to the general fund.

Vetoed in Part SECTION 3200. Terminology changes.
(15) DEVELOPMENT
(an) Name of department. Wherever "department of development" or "secretary of development"

appears in the following sections of the statutes, "department of tourism and development" or "secretary of tourism and development" respectively is substituted: 13.94 (1) (dm), 14.82 (1) (intro.), 15.103 (4), 15.107 (2) (a) 5, as renumbered, 15.15.153 (2), 15.155 (1) (a) (intro.) and 1, as renumbered, and (2), 15.157 (1), as renumbered, (2), (6) and (7) (a) (intro.) and 1 and (c), 15.347 (8) (d) 3, and (15) (a) 2, as affected by 1989 Wisconsin Act 11, 16.501 (1), 16.75 (3m) (a) and (c) 5 and (4) (b), 18.16 (1), 18.64 (1), 18.77 (1), 25.17 (70) (a) and (b) 1 and 4, 25.185 (1), 29.153 (1), 36.25 (24), 49.049 (2), 49.50 (7g) (i) (intro.), 1 and 3, 59.07 (75), 60.23 (4) (c), 66.013 (2) (a), 66.018 (5), 66.02, 66.021 (7) (a), (8) (b), (11) (a) and (c) (intro.), (12) and (15), 66.46 (13), 66.521 (4m) (a) 1 and 2 and (b) and (10) (c) and (g), 66.945 (3) (a) 3, 70.27 (5), 71.07 (2d) (d) 2, (2d) (am) 2 and (c) 3 and (2ds) (d) 2, 71.28 (1d) (d) 2, (1d) (am) 2 and (c) 3 and (1ds) (d) 2, 71.47 (1d) (d) 2, (1d) (am) 2 and (c) 3 and (1ds) (d) 2, 71.78 (4) (m), 84.013 (9), 85.095 (2) (b), 91.05 (1), 93.07 (3), 93.40 (3) (b), 93.42 (1) (e), 101.28 (3), 109.07 (1), 114.31 (6), 144.40 (4), 227.114 (5), 231.27 (1), 234.02 (1), 234.08 (5) and (6), 234.18 (2), 234.65 (1) (a) and (f), (1m), (3) (a) 1 and 2, (3m), (3r) and (5) (intro.), 234.85 (1) and \$60,001 (1) and chapter 560 (title).

SECTION 3202. Initial applicability.

(4) AGRICULTURE, TRADE AND CONSUMER PROTECTION.

(ag) *Farm products procurement.* The treatment of section 100.03 (15) of the statutes first applies to any procurement contract, as defined in section 100.03 (1) (vm) of the statutes, as created by this act, that is all of the following:

1. Applicable to crops grown in 1990 or after.

2. Entered into after the effective date of department rules that apply to that type of procurement contract, and that are promulgated by the department of agriculture, trade, and consumer protection to interpret section 100.03 (15) of the statutes, as created by this act.

(8) BUILDING COMMISSION.

(a) *Discount sale of bonds.* The treatment of section 20.866 (2) (yr) of the statutes first applies to the difference between the amount of public debt contracted and any lesser amount, not including accrued interest, received upon the sale of public debt issued after October 1, 1987.

(b) *Real property gifts.* The treatment of sections 13.48 (2) (b) 1m and 36.29 (1) and (6) of the statutes first applies to any gift, grant, donation, bequest, contribution or appropriation of real property offered on the effective date of this paragraph.

(10) CIRCUIT COURTS.

(f) *Small claims court jurisdiction.* The treatment of sections 425.205 (1) (intro.), 799.01 (intro.), (1), (3), (3m) and (4) (intro.), (a) to (c) and (d), 814.62 (1), 943.245 (8) and 943.51 (6) of the statutes, the renumbering of section 799.01 (2) of the statutes and the creation of 799.01 (2) of the statutes first apply to civil

Vetoed in Part

actions or proceedings commenced on the effective date of this paragraph.

(fg) *Arraignment by court commissioners.* The treatment of section 757.69 (1) (b) of the statutes first applies to arraignments conducted on the effective date of this paragraph.

Vetoed
in Part

~~(gg) *Maintenance payments and support fee.* The treatment of sections 757.25, 767.65 (1s), 807.10 (3), 814.61 (12) (a) (title) and 880.04 (2) (a) of the statutes, the renumbering and amendment of section 814.16 (12) (a) of the statutes and the repeal of section 814.61 (12) (b) of the statutes first apply to money received or disbursed on the effective date of this paragraph.~~

~~(nx) *Default judgments related to paternity adjudications.* The treatment of section 767.465 (3) of the statutes and the creation of section 767.465 (3) (b) of the statutes first apply to motions or petitions to reopen default judgments which adjudicate the paternity of a child that are filed on the effective date of this paragraph.~~

Vetoed
in Part

(ny) *Child and family support orders.* The treatment of sections 767.10, 767.23 (1) (b), 767.25 (1), 767.32 (1), (1s) and (1v), 767.33 (1) and (1m), 767.51 (4) and 948.22 (7) (c) of the statutes and the creation of section 767.25 (1) (b) of the statutes first apply to child and family support orders issued and the revision of child and family support orders issued on the effective date of this paragraph.

(11) CONSERVATION CORPS BOARD.

(a) *Tuition vouchers.* The treatment of section 16.20 (10) (g) 1 of the statutes first applies to all persons who are employed as Wisconsin conservation corps enrollees and who are assigned to corps projects that start on July 1, 1989.

(18) EMPLOYE TRUST FUNDS.

Vetoed
in Part

~~(bn) *Crediting of retirement contributions.* The treatment of section 40.04 (5m) of the statutes first applies to retirement contributions made during the participating employee's annual earnings period beginning after the effective date of this paragraph.~~

(bx) *Deferred compensation plan contracts.* The treatment of section 40.80 (1) (with respect to the administration of the state deferred compensation plan) and (2) (intro.) and (e) of the statutes first applies to contractual agreements entered into with deferred compensation plan providers on the effective date of this paragraph.

(23) HEALTH AND SOCIAL SERVICES.

(a) *Protection of income and resources of couple.* The treatment of section 49.455 (5) and (6) of the statutes first applies to persons who begin continuous periods of institutionalization on September 30, 1989.

(c) *Medical assistance divestment.* The treatment of section 49.45 (17) of the statutes first applies to transfers of assets occurring on the effective date of this paragraph, except that the treatment of section 49.45 (17) of the statutes first applies to interspousal transfers occurring on October 1, 1989.

(e) *Family-operated group home parent insurance and liability.* The treatment of sections 20.435 (4) (cf), 48.627 (title), (1), (1c), (1m), (1s), (2), (3) and (4), 167.10 (7) and 895.485 (title), (1), (2) and (3) of the statutes and the creation of sections 48.627 (1) and 895.485 (1) of the statutes first apply to any causes of action that accrue or are filed on the effective date of this paragraph.

(f) *Adoption search.* The treatment of sections 48.432 (3) (a) (intro.) and (c) and (8m), 48.433 (6) (a) and (9) and 48.93 (1r) of the statutes first applies to adoption search requests and court petitions filed on the effective date of this paragraph.

(25) HIGHER EDUCATIONAL AIDS BOARD.

(ab) *Marquette dental school minority enrollment.* The treatment of section 39.46 (2) (g) of the statutes first applies in the 1990-91 academic year.

~~(26) HISTORICAL SOCIETY.~~

Vetoed
in Part

~~(ac) *Burial sites preservation.* The treatment of section 157.70 (8) (b) of the statutes first applies to structures for which the physical work of construction begins on the effective date of this paragraph.~~

(28) INDUSTRY, LABOR AND HUMAN RELATIONS.

~~(ad) *Expert witness testimony.* The treatment of section 102.13 (1) (d) 1 and 4, (dn) (intro.) and (f) of the statutes first applies to a compensation claim made by an employee on the effective date of this paragraph.~~

Vetoed
in Part

(bn) *Building code enforcement.* The treatment of sections 101.651 (2) (a) and 101.761 (2) (a) of the statutes first applies to dwellings, as defined in sections 101.61 (1) and 101.71 (2) of the statutes, on which construction is begun on the effective date of this paragraph.

(29) INSURANCE.

(ab) *Taxation.* The treatment of sections 76.66 and 76.67 of the statutes, as it relates to the method of calculating taxes imposed on nondomestic and foreign life insurance companies, first applies to taxes imposed for the business of 1989.

(b) *Right to return policy.* The treatment of section 632.73 (1) and (2m) of the statutes first applies to medicare supplement policies as defined in section 600.03 (28r) of the statutes, medicare replacement policies as defined in section 600.03 (28p) of the statutes and long-term care insurance policies as defined in section 600.03 (28g) of the statutes, as created by this act, that are issued on the later of August 1, 1989, or the effective date of this paragraph.

(c) *Preexisting conditions and exclusions.* The treatment of section 632.76 (2) (b) of the statutes first applies to long-term care insurance policies as defined in section 600.03 (28g) of the statutes, as created by this act, that are issued on the effective date of this paragraph.

(d) *Benefit appeals.*

1. Except as provided in subdivision 2, the treatment of section 632.84 (title) and (2) (a) (intro.) and 1

and (b) to (d) of the statutes first applies to long-term care insurance policies as defined in section 600.03 (28g) of the statutes, as created by this act, that are issued or renewed on the effective date of this subdivision, unless a long-term care insurance policy in existence on the effective date of this subdivision is subject to section 632.84 of the statutes as a nursing home insurance policy, as defined in section 632.84 (1) (b) of the statutes.

2. The treatment of section 632.84 (2) (a) (intro.) and 1 and (c) of the statutes, as it relates to the availability of the appeal procedure to a policyholder or certificate holder instead of a policyholder and insured, first applies to medicare supplement policies as defined in section 600.03 (28r) of the statutes, medicare replacement policies as defined in section 600.03 (28p) of the statutes, nursing home insurance policies as defined in section 632.84 (1) (b) of the statutes and long-term care insurance policies as defined in section 600.03 (28g) of the statutes, as created by this act, that are issued or renewed on the effective date of this subdivision.

(e) *Continuation and conversion.* The treatment of section 632.897 (1) (b), (c) 1m, (cm) and (d), (2) (d), (4) (b) and (bm) and (5) of the statutes first applies to long-term care insurance policies as defined in section 600.03 (28g) of the statutes, as created by this act, that are issued or renewed on the first day of the 12th month beginning after the effective date of this paragraph.

(f) *Security fund.* The treatment of section 646.31 (3) (a) and (b) of the statutes and the creation of section 646.31 (3) (c) of the statutes first apply to liquidation proceedings in which a liquidation order is issued on the effective date of this paragraph.

Vetoed in Part (gn) *Patients compensation fund.* The treatment of sections 655.001 (8) and 655.0025 of the statutes and the creation of section 655.001 (8) (b) of the statutes first apply to claims arising from occurrences on the effective date of this paragraph.

(hn) *Annual statements.* The treatment of sections 601.31 (1) (k), 641.12 (2) and 641.13 of the statutes first applies to annual statements filed on the effective date of this paragraph.

(hx) *Health insurance coverage of children.* The treatment of section 632.897 (1m) and (10) of the statutes and the creation of section 632.897 (10) (a) 3, (b) and (c) of the statutes first apply to group policies, as defined in section 632.897 (1) (c) of the statutes, and individual policies, as defined in section 632.897 (1) (cm) of the statutes, that are issued or renewed on the effective date of this paragraph.

(34) JUSTICE.

Vetoed in Part (a) *Attorney for state.* The creation of section 165.25 (6) (b) of the statutes first applies to requests made by the head of a department on the effective date of this paragraph.

(b) *Notice of claims.* The amendment of section 893.82 (2) (d) of the statutes first applies to events

occurring on the effective date of this paragraph that give rise to civil actions or proceedings. **Vetoed in Part**

(c) *Repayment to counties.* The treatment of section 814.25 of the statutes first applies to certificates of repayment unpaid by the state treasurer on the effective date of this paragraph.

(db) *Law enforcement officer training.* The treatment of section 165.85 (4) (b) 1 of the statutes first applies to law enforcement officers who begin preparatory training on the effective date of this paragraph.

(dc) *Jail officer training.* The treatment of section 165.85 (4) (b) 2 of the statutes first applies to jail officers who begin preparatory training on the effective date of this paragraph.

(38) MEDICAL COLLEGE OF WISCONSIN.

(ab) *Minority enrollment.* The renumbering and amendment of section 39.15 of the statutes and the creation of section 39.15 (1) (c) of the statutes first apply in the 1990-91 academic year.

(39) MILITARY AFFAIRS.

(a) *National guard tuition grants.* The treatment of section 21.49 (2) (intro.), (b), (c) and (d), (3) (a) and (4) (c) of the statutes first applies to courses that are satisfactorily completed on January 1, 1990.

(40) NATURAL RESOURCES.

(a) *Dam inspection fees.* The treatment of sections 20.370 (3) (bh), 31.19 (1) (intro.), 31.20, 31.33 (1) to (3) and 31.39 (1) of the statutes first applies to dam inspections occurring on the effective date of this paragraph.

Vetoed in Part (an) *Solid waste facility siting.* The treatment of section 144.44 (1) (a) and (2) (m) of the statutes and the creation of section 144.44 (1) (a) of the statutes first apply to new or expanded solid waste disposal facilities or hazardous waste treatment, storage or disposal facilities for which the department of natural resources has not issued the determination of feasibility under section 144.44 (2) of the statutes on or before July 1, 1989.

(b) *Environmental repair fee for generators of hazardous waste.* The treatment of section 144.442 (1s) of the statutes first applies to hazardous wastes reported as generated on the annual report for 1989.

(bb) *Wildlife removal.*

1. The treatment of section 29.59 (1) to (7) of the statutes first applies to damage caused by wild animals occurring on the effective date of this subdivision.

2. The treatment of section 29.59 (8) of the statutes first applies to damage caused by deer occurring on July 1, 1991.

(bc) *Wildlife damage programs.* The treatment of section 29.598 (3) (c) 4, (6) (c) to (e), (7) (b) 5 and (7m) (b) of the statutes first applies to applications under the wildlife damage abatement program and claims under the wildlife damage claims program that are filed on the effective date of this paragraph.

(bf) *Water safety patrol units.* The treatment of section 30.79 (2), (2m) and (5) of the statutes first applies

to costs incurred for water safety patrol units on January 1, 1990.

(cj) *Conveyances of lake bed areas.* The treatment of section 13.097 of the statutes first applies to legislation introduced or offered on the effective date of this paragraph.

(eh) *Wild turkey hunting stamps.* The treatment of sections 29.09 (3) (c), 29.092 (2) (L), 29.093 (2) (d) and 29.103 (2) (a) of the statutes first applies to wild turkey hunting stamps issued on March 1, 1990.

(41) PERSONNEL BOARD.

(an) *Abolition of personnel board.* The treatment of sections 15.06 (1) (d) (intro.) and (2) (b) and 15.173 (1) (b) and (c) of the statutes first applies to appointments made on the effective date of this paragraph.

(44) PUBLIC INSTRUCTION.

(bb) *School district borrowing; referendum requirements.* The treatment of section 67.12 (12) (e) 2, 2g and 2r of the statutes first applies to resolutions adopted by school boards under section 67.12 (12) (e) 1 of the statutes on the effective date of this paragraph.

(bd) *Shared cost.* The renumbering and amendment of section 121.07 (6) (a) of the statutes, as it relates to the definition of "net cost of the debt service fund", and the creation of section 121.07 (6) (a) 1 and 2 of the statutes first apply to the payment of state aid in the 1989-90 school year.

(be) *Lease of a school or other school district facility.* The treatment of section 121.07 (6) (a) 2 of the statutes first applies to leases entered into on July 1, 1989.

(ch) *Pupil suspensions.* The treatment of section 120.13 (1) (b) of the statutes first applies to notices of expulsion sent on the effective date of this paragraph.

(dd) *Debt service.* The renumbering and amendment of section 121.07 (6) (a) of the statutes, as it relates to changing \$90 to \$110, first applies to the payment of state aid in the 1991-92 school year.

(47) REGULATION AND LICENSING.

(an) *Burden of proof in disciplinary actions.* The treatment of section 440.20 (3) of the statutes first applies to violations occurring on the effective date of this paragraph.

(48) REVENUE.

(a) *Calculating losses.*

1. The treatment of section 71.01 (14) of the statutes first applies to the computation of net operating losses for taxable year 1988.

2. The treatment of section 71.05 (8) (b) of the statutes first applies to the computation of modified taxable income for taxable year 1988.

(apb) *Depreciation and amortization treatment.* The treatment of sections 71.01 (7r) and 71.45 (2) (a) 13 of the statutes first applies to taxable years beginning on January 1, 1989.

(apc) *Corporate dividends deduction.* The treatment of section 71.26 (3) (j) of the statutes first applies to taxable year 1987.

(apd) *Corporate depreciation.* The treatment of sections 71.26 (3) (y) and 71.365 (1m) of the statutes first applies to taxable years beginning on January 1, 1989.

(b) *Development zones.* The treatment of sections 71.05 (6) (a) 15, 71.07 (2di) (a) (intro.) and 1 to 3, (b), (d) 2, (dm), (e), (f) and (g), (2dj) (a), (am) 1, 2, 4, 4e, 4g, 4m, 4t and 7, (c) and (e) 2 and 3, (2dL) (a), (ag), (ar), (aw), (bm) and (e) and (2ds) (a) 2 and 3, (b), (d) 3 and (dm), 71.21 (4), 71.26 (2) (a) (in respect to the reference to certain development zone credits), 71.28 (1di) (a) (intro.) and 1 to 3, (b), (d) 2, (dm), (e), (f) and (g), (1dj) (a), (am) 1, 2, 4, 4e, 4g, 4m, 4t and 7, (c) and (e) 2 and 3, (1dL) (a), (ag), (ar), (aw), (bm) and (e) and (1ds) (a) 2 and 3, (b), (d) 3 and (dm) and (4) (a), (am), (f), (fm), (g) and (i), 71.34 (1) (g), 71.47 (1di) (a) (intro.) and 1 to 3, (b), (d) 2, (dm) and (e), (f) and (g), (1dj) (a), (am) 1, 2, 4, 4e, 4g, 4m, 4t and 7, (c) and (e) 2 and 3, (1dL) (a), (ag), (ar), (aw), (bm) and (e) and (1ds) (a) 2 and 3, (b), (d) 3 and (dm) and (3) (a), (am), (f), (fm), (g) and (i) and 73.03 (35) of the statutes first applies to taxable years beginning on August 1, 1988.

(bm) *Dependents' unearned income.* The treatment of sections 71.03 (2) (a) 3 and 71.05 (22) (d) and (f) of the statutes first applies to taxable years beginning on January 1, 1989.

(brb) *Estimated tax payments for trusts.* The treatment of sections 71.09 (2) and (13) (d) and 71.29 (1) (c), (2), (3), (7) (intro.) and (b), (9) (a) (intro.) and (c), (10) (a) and (c) and (11) of the statutes, the renumbering and amendment of section 71.84 (2) of the statutes and the creation of section 71.84 (2) (b) of the statutes first apply to taxable years beginning on January 1, 1990.

(brc) *Earned income tax credit.* The treatment of sections 20.835 (2) (f), 71.07 (9e) and 71.10 (4) (i) (in respect to the earned income tax credit) of the statutes first applies to taxable years beginning on January 1, 1989.

(bu) *Farmland preservation credit.* The treatment of section 71.60 (1) (c) 6m of the statutes first applies, retroactively, to taxable years beginning on January 1, 1988.

(c) *Farmland tax relief credit.* The treatment of sections 20.835 (2) (dm) (title) and (q), 71.07 (3m), 71.10 (4) (i) (in respect to the farmland tax relief credit), 71.28 (2m), 71.30 (3) (f), 71.47 (2m) and 71.49 (1) (f), 71.53 (1) (a), 71.55 (1), 71.59 (1) (a), 71.61 (1), 71.74 (8) (a) to (c), 71.80 (3) and (3m) (intro.), 71.82 (1) (c) and (2) (c), 71.83 (2) (b) 4 and 71.88 (1) (b) and (2) (b) of the statutes and the repeal and recreation of section 71.08 (1) (intro.) of the statutes first apply to claims for credits based on property taxes accrued during 1989.

Vetoed in Part ~~1. *Election campaign fund.* The treatment of section 71.10 (3) (a) of the statutes first applies to taxable years beginning on January 1, 1989.~~

(ct) *Homestead credit.* The treatment of section 71.52 (5) of the statutes first applies to claims filed in 1990 based on property taxes accrued in 1989 and 1989 income.

(cw) *Incentive stock options.* The treatment of section 71.08 (1) (bm) and (c) of the statutes first applies to taxable years beginning on January 1, 1989.

(d) *Itemized deductions credit and interest limit.* The treatment of section 71.07 (5) (intro.) and (a) 7 of the statutes first applies to taxable years beginning on January 1, 1990.

(dm) *Insurance company add-back credits.* The treatment of section 71.45 (2) (a) 10 and 11 of the statutes first applies to taxable years beginning on January 1, 1989.

(dsa) *Insurance company taxation.* The treatment of sections 71.43 (2) and 71.45 (1), (2) (a) (intro.), (3) (intro.) and (4) of the statutes first applies to taxable year 1987.

(e) *Internal revenue code.*

1. The treatment of section 72.76 (4) of the statutes first applies to gifts made on the effective date of this subdivision.

2. The treatment of sections 72.01 (17), 72.12 (4) (c) 1 and 72.22 (4) (a) first applies to transfers because of deaths occurring on January 1, 1989.

3. The treatment of section 71.26 (1) (f) of the statutes first applies to taxable year 1987.

(em) *Income tax domicile factors.* The treatment of section 71.02 of the statutes and the creation of section 71.02 (2) (a) to (e) of the statutes first apply to taxable years beginning on January 1, 1989.

(f) *Local bond premium and interest deductions.* The treatment of section 71.26 (3) (hm), (ms) and (tm) of the statutes first applies to taxable years beginning on January 1, 1989.

(fm) *Married couples' credit, income.* The treatment of section 71.07 (6) (a) of the statutes first applies to taxable years beginning on January 1, 1989.

(gh) *School property tax credit.* The treatment of section 71.07 (9) (b) of the statutes first applies to taxable years beginning on January 1, 1989.

(gm) *Sales to federal government.*

1. The treatment of sections 71.04 (7) (a) and (b) and 71.25 (9) (a) and (b) of the statutes and the creation of sections 71.04 (7) (b) 2m and 3 and 71.25 (9) (b) 2m and 3 of the statutes first apply to taxable years beginning on January 1, 1989.

2. The treatment of sections 71.04 (7) (b) 2m (by SECTION 1815n) and 71.25 (9) (b) 2m (by SECTION 1915n) of the statutes first applies to taxable years beginning on January 1, 1990.

(h) *Supplement to federal historic rehabilitation credit.*

1. The treatment of sections 71.07 (9m) (title), (a), (b), (d), (e) and (f), 71.10 (4) (dm), 71.28 (6) (title), (a), (b), (d), (e) and (f), 71.30 (3) (ep), 71.47 (5) (title), (a), (b), (d), (e) and (f) and 71.49 (1) (er) of the statutes first applies to taxable years beginning on August 1, 1988.

2. The treatment of sections 71.07 (9m) (c), 71.28 (6) (c) and 71.47 (5) (c) of the statutes first applies to rehabilitation projects that begin the physical work of construction or destruction in preparation for construction on the effective date of this subdivision.

(hm) *State historic rehabilitation credit.* The treatment of sections 44.02 (24), 71.07 (9r) (title), (a), (b) 2, 3, b, 4, 5 and 7, (c), (d), (e), (g), (h), (i) and (j), 71.10 (4) (dr), 71.28 (7) (title), (a), (b) 2, 3, b, 4, 5 and 7, (c), (d), (e), (g), (h), (i) and (j), 71.30 (3) (er), 71.47 (6) (title), (a), (b) 2, 3, b, 4, 5 and 7, (c), (d), (e), (g), (h), (i) and (j) and 71.49 (1) (et) of the statutes first applies to taxable years beginning on August 1, 1988.

(im) *Taxable years.* The treatment of sections 71.01 (12), 71.03 (3) (a) and (b) and (6) (a), 71.05 (5), 71.06 (2m), 71.07 (2fd) (b), 71.22 (10), 71.24 (1) and (6) (c) and (d), 71.275, 71.28 (1fd) (b), 71.42 (5), 71.44 (1) (a) and (2) (c) and (d), 71.47 (1fd) (b) and 71.58 (9) of the statutes first applies to taxable years beginning on August 1, 1988.

(j) *Treatment of interest income.* The treatment of sections 71.26 (3) (b) and 71.45 (2) (a) 3 of the statutes first applies to taxable years beginning on January 1, 1989.

(jg) *Tax-option corporations, built-in gains.* The treatment of section 71.35 of the statutes first applies to taxable year 1987.

(jm) *Tax-option corporations, state tax deduction.* The treatment of section 71.34 (1) (a) and (ag) of the statutes first applies to taxable years beginning on January 1, 1989.

(kc) *Manufacturing property; venue.* The treatment of section 70.995 (9) of the statutes first applies to appeals related to assessments as of January 1, 1990.

~~(kd) *Assessment information.* The treatment of section 70.995 (6) of the statutes first applies to the assessment as of January 1, 1991.~~

~~(ke) *Reassessment in populous counties.* The treatment of section 70.995 (7) (b) of the statutes first applies to assessments as of January 1, 1991.~~

~~(mg) *Sports facilities.* The treatment of section 70.11 (31) of the statutes first applies to the property tax assessment as of January 1, 1990.~~

(n) *Waste treatment facilities.* The treatment of section 70.11 (21) (d) of the statutes first applies to reports required to be filed by January 15, 1989.

(r) *Aircraft fuel.* The treatment of section 78.75 (1) (a) 2 of the statutes first applies to fuel purchased on the effective date of this paragraph.

(rc) *Fuel tax, amphibious vehicles.* The treatment of section 78.75 (1) (a) of the statutes, as it relates to a tax refund for certain motorboats, first applies to fuel purchased on the effective date of this paragraph.

Vetoed in Part

Vetoed in Part

(s) *Nonacquiescence*. The treatment of section 73.01 (4) (e) 1 of the statutes first applies to decisions made by the tax appeals commission on the effective date of this paragraph.

(t) *Utilities audit authority*. The treatment of sections 76.07 (3) and (4r), 76.075 and 76.08 (1) of the statutes first applies to the 1990 assessment.

Vetoed in Part (vp) *Shared revenue and certain municipalities*. The treatment of sections 79.005 (1) and 79.03 (3) (d) of the statutes first applies to shared revenue distributions made under subchapter 1 of chapter 79 of the statutes in the year 1990.

Vetoed in Part (vv) *Shared revenue fire protection proxy*. The treatment of section 79.03 (3) (b) 4. (intro.) (by SECTION 219.1m) and bm of the statutes first applies to local purpose revenues calculated for the year 1989.

(53) TRANSPORTATION.

(a) *Local transportation aids*. The treatment of section 86.30 (2) (a) 3. a and b and (d) and (9) of the statutes first applies to transportation aid payments for calendar year 1990.

(b) *Urban mass transit operating assistance planning requirements*. The treatment of section 85.20 (6) of the statutes and the creation of section 85.20 (6) (b) of the statutes first apply to the eligibility of an applicant for urban mass transit operating assistance for calendar year 1990.

(e) *Registration and title reinstatement fees*. The treatment of sections 341.36 and 342.14 (8) of the statutes first applies to a registration or certificate of title that is suspended or revoked on the effective date of this paragraph.

(f) *Apportioned registration fees*. The treatment of sections 341.25 (4) and 341.405 (2) of the statutes first applies to revenues that are derived under section 341.25 of the statutes, as affected by this act, and pledged to the repayment of revenue obligations under section 84.59 of the statutes, as affected by this act, on August 1, 1989.

(g) *Biennial registration of motorcycles, mopeds and farm trucks*. The treatment of sections 341.04 (3) (c), 341.14 (6r) (b) 3 and 4, 341.145 (1) (a) and (3), 341.25 (1) (intro.) and (b), 341.26 (3) (intro.) and (a), 341.29, 341.297, 341.31 (1) (intro.) and (2) (a) and (b), 341.32 (1) and (2) and 341.33 (2) and (3) of the statutes first applies to registrations of motorcycles, mopeds and farm trucks on the effective date of this paragraph.

(h) *License periods for dealers and others*. The treatment of sections 218.01 (1) (jm), (2) (c) 1, (cm), (d) (intro.) and 7, (dm), (f) and (i) and (3a) (b), 218.10 (1g) and (1r), 218.11 (2), 218.12 (2), 218.20 (1) and (1g), 218.22 (1) (intro.) and (2), 218.30, 218.32 (1), (2) and (3) (o), 218.40 (1m), 218.41 (2) (b) and (d) and (2m), 218.50 (1m) and 218.51 (2) and (3) of the statutes and the creation of 218.01 (2) (d) (intro.), 218.11 (2) (b) to (d), 218.12 (2) (b) to (d), 218.20 (1), 218.22 (2) (b) to (d), 218.30, 218.32 (2) (b) to (d) and 218.51 (3) (b) to (d) of the statutes first apply to licenses and buyer

identification cards, as defined under section 218.50 (1) of the statutes, that are effective for periods beginning after December 31, 1990.

(iv) *Urban mass transit operating assistance payments*.

1. The treatment of section 85.20 (4m) (a) and (em) (intro.) and 1 of the statutes first applies to state mass transit operating assistance payments under section 85.20 (4m) of the statutes for operating expenses incurred between July 1, 1989, and December 31, 1989, as determined under SECTION 3053 (8m) of this act.

2. The treatment of section 85.20 (1) (k) and (4m) (b) and (em) 3 of the statutes first applies to urban mass transit operating assistance contracts for calendar year 1990 executed between the department of transportation and eligible applicants on the effective date of this subdivision.

(ix) *Child restraint information on maps*. The treatment of section 84.02 (5) (a) of the statutes first applies to folded highway maps that are published on the effective date of this paragraph.

(56) VETERANS AFFAIRS.

(a) *Late application for study grants*. The treatment of section 45.396 (2) (in respect to the reimbursement to veterans not at fault for the late receipt of their applications) of the statutes first applies to applications for reimbursement for the cost of courses the veteran completes on the effective date of this paragraph.

(b) *Maximum reimbursement per course*. The treatment of section 45.396 (5) (in respect to the maximum reimbursement per course) of the statutes first applies to applications for reimbursement for the cost of courses the veteran completes on the effective date of this paragraph.

(c) *Maximum reimbursement per fiscal year*. The treatment of section 45.396 (5) (in respect to the maximum reimbursement per fiscal year) of the statutes first applies to courses completed during the fiscal year beginning on July 1, 1989.

(db) *Grants to homes for needy veterans*. The treatment of section 20.485 (2) (w) of the statutes first applies to applications for grants submitted to the department of veterans affairs on the effective date of this paragraph.

(fh) *Refinancing loans*. The renumbering of section 45.76 (1) (c) of the statutes first applies to applications for loans submitted to the department of veterans affairs on the effective date of this paragraph.

(58) OTHER.

(a) *Assignment fees*. The treatment of section 767.265 (3h) of the statutes first applies to fee payments made on the effective date of this paragraph by a person who has received a notice of assignment.

(ag) *Hazardous substance predictions*. The treatment of section 895.48 (2) (a) 3 and 4 and (d) of the statutes first applies to hazardous substance predictions made on the effective date of this paragraph.

(b) *Garnishment fees.* The treatment of section 812.23 (2) (c) of the statutes first applies to garnishee fee payments paid to the garnishee on the effective date of this paragraph.

(bg) *Regional prosecution.* The treatment of sections 5.02 (5), (18) and (23), 5.62 (1) (a) and (3), 5.64 (1) (e), 7.60 (4) (a) and (5), 7.70 (3) (d) and (e) 1, 8.15 (6) (dm), 8.16 (5), 8.25 (5), 8.50 (intro.), 9.10 (1) (a), 10.02 (3) (b) 2m, 11.26 (1) (cn) and (cw) and (2) (cn) and (cw), 11.50 (1) (a) 1 and 2, 978.01 and 978.02 of the statutes first applies to the general election in 1990.

Vetoed in Part (c) *Payment of judgment.* The treatment of section 895.46 (4) of the statutes first applies to actions or proceedings commenced on the effective date of this paragraph.

Vetoed in Part (d) *Rental car liability; rental agreement.* The treatment of section 344.53 of the statutes first applies to damage, as defined in section 344.53 (2) (b) of the statutes, as created by this act, to private passenger vehicles covered by rental agreements, as defined in section 344.53 (2) (d) of the statutes, as created by this act, that are entered into, extended, renewed or modified on the effective date of this paragraph.

(ec) *Recovery of fees from indigents.* The treatment of section 814.29 (1) and (3) of the statutes first applies to costs and fees of an indigent who files an affidavit of indigency on the effective date of this paragraph.

Vetoed in Part (eg) *Women's business enterprise information.* The treatment of section 16.75 (3r) (b) of the statutes first applies to solicitations made on the first day of the 2nd month commencing after the effective date of this paragraph.

Vetoed in Part (f) *Lead bearing paint disclosures.* The treatment of sections 704.045 and 710.20 of the statutes first applies to a residential rental agreement, or a sale or transfer of residential real property, entered into on January 1, 1990.

(gn) *Forfeitures for alcohol beverages violations.*

1. The treatment of sections 48.344 (2) (intro.), 125.07 (4) (bs) and (c) (intro.) and 125.085 (3) (a) and (b) (intro.) of the statutes, the amendment of section 125.08 (3) (a) and (b) (intro.) of the statutes and the creation of section 48.344 (2b) of the statutes apply to current offenses occurring on or after the effective date of this subdivision, regardless of the date on which any prior offense occurred.

2. The repeal and recreation of section 48.344 (2d) (intro.) of the statutes applies to current offenses occurring on or after January 1, 1990, regardless of the date on which any prior offense occurred.

(hi) *Maintenance assessments.* The treatment of section 779.70 (2) (b) of the statutes first applies to assessments levied on January 1, 1990.

(hn) *Cemetery associations.* The treatment of section 157.062 (8) of the statutes first applies to causes of action that accrue on the effective date of this paragraph.

SECTION 3203. Effective dates. This act takes effect on July 1, 1989, or the day after publication, whichever is later, except as follows:

(1) **ADMINISTRATION.**

(a) *State identification program.* The treatment of sections 6.28 (1) and (3), 6.33 (1), 6.55 (7) (c) 2, 20.505 (1) (im), 48.17 (2) (c), (d) and (e), 48.24 (2m) (a) 2, 125.085, 125.10 (2), 134.66 (1) (c) 3, 343.30 (6) (a) and 778.25 (1) (a) 1 of the statutes, the repeal of section 125.08 of the statutes and the repeal and recreation of section 48.344 (2d) (intro.) of the statutes take effect on January 1, 1990.

(b) *Transfer of division of emergency government and state emergency response commission.* The treatment of sections 15.01 (1) and (2), 15.103 (3), 15.105 (20), 15.313 (title), 15.315 (title), 20.465 (1) (pz), 20.505 (2) (title), (a), (e), (g), (i), (m), (n), (o) and (q) and (4) (j) and (jm), 101.143 (3) (a) 5, 132.17, 166.02 (1) and (6), 166.03 (2) (title), (a) (intro.) and 5 and (b) (intro.), 6 (by SECTION 2445) and 8, (3), (5) (b) and (c), (7) (b), (8) (f), (10), (11) and (13), 166.20 (1) (a) and (b), (2) (intro.) and (a), (4) (a) and (b), (5) (a) 2 and 5, (7) (a) (intro.), (b) and (e), (8) and (9) (a) 1, c, d and e, 2, (intro.) and a and 3, (b) 1, (intro.) and a and 2 and 166.21 (1) (b), (3) (a) 1 and (b) to (d), (4) (a) and (b) and (5) and 230.08 (2) (e) 7m of the statutes, the repeal and recreation of sections 15.917 (3), 21.20, 25.40 (2) and 230.08 (2) (e) 1 (by SECTION 2504r) of the statutes and SECTION 3001 (8), (9) and (10) of this act take effect on October 1, 1989, or the day after publication, whichever is later.

(c) *Studies.* The repeal of section 20.855 (9) of the statutes takes effect on July 1, 1991.

(dn) *Elimination of radioactive waste review board.* The repeal of section 144.833 (7) of the statutes and the repeal and recreation of sections 15.07 (1) (cm), 144.833 (1) (b) and (3), 165.25 (1), 166.03 (2) (b) 6 and 166.15 (1) (h) of the statutes take effect on July 1, 1991.

(dp) *Badger state games assistance.* The repeal of sections 16.40 (15) and 20.505 (1) (f) of the statutes takes effect on July 1, 1990.

(dt) *St. Norbert college grant.* The repeal of section 20.505 (1) (fm) of the statutes takes effect on July 1, 1990.

Vetoed in Part (iv) *Grants to housing organizations.* The amendment of section 20.505 (7) (d) of the statutes takes effect on July 1, 1991.

(4) **AGRICULTURE, TRADE AND CONSUMER PROTECTION.**

(an) *Vehicle fleet consolidation.* The repeal of section 20.115 (8) (jm) of the statutes takes effect on June 30, 1991.

(ap) *Farm products procurement.* The treatment of sections 97.29 (2) (a), (3) (d) and (4), 100.03, 100.235 and 100.26 (5) of the statutes takes effect on April 1, 1990.

(5) **ARTS BOARD.**

**Vetoed
in Part**

Vetoed in Part SECTION 1767, 71.64 (8) (c), 85.09 (2), 91.19 (6m), 101.04 (1), 102.07 (16), 115.85 (2m), 118.125 (4), 119.18 (17), 149.04 (4) (a), 157.02 (1), 165.85 (2) (bg), 165.87 (1) (b), 227.03 (2) and (4), 227.40 (2) (e), 230.08 (2) (e), (s) (pd) and (s), 230.36 (3) (c) 4, 341.12 (4) (b), 343.06 (11), 343.30 (2d), 343.31 (4), 345.26 (1) (b) 1 and 2 (by SECTION 2594 and 2595), 345.27 (1) (by SECTION 2596), 345.37 (2), (3), (4) and (5) (by SECTION 2597, 2598, 2499 and 2600), 345.375 (2) (by SECTION 2601), 345.47 (1) (intro.), (b) and (c) (by SECTION 2602, 2603 and 2604), 345.49 (1) (by SECTION 2605), 345.61 (2) (c) (by SECTION 2606), 351.08, 440.61 (2), 778.02 (by SECTION 2775), 778.03 (by SECTION 2776), 778.06 (by SECTION 2777), 778.10 (by SECTION 2778), 778.105 (by SECTION 2779), 778.13 (by SECTION 2780), 778.18 (by SECTION 2781), 782.45 (2), 800.03 (3) (by SECTION 2792), 800.04 (2) (b) and (c) (by SECTIONS 2793 and 2794), 800.09 (1) (intro.) (by SECTION 2795), 800.095 (6), 800.12 (2) (by SECTION 2797), 814.60 (2) (ag) (by SECTION 2802), 814.63 (3) (ag) (by SECTION 2803), 859.07, 887.23 (1), 908.08 (1), 941.295 (2) (c), 946.42 (1) (a), 946.44 (2) (d), 946.45 (2) (d), 946.46, 947.06 (5), 948.31 (1) (a) 2, 950.045, 967.02 (2), 967.04 (9), 969.02 (3) (d), 969.03 (1) (e), 971.11 (6), 971.14 (2) (a) and (6) (c), 971.165 (2), 971.24 (3), 973.013 (2) and (3m), 973.014 (1) and (2), 973.03 (1) and (3) (a) and (d), 973.035, 973.045 (4), 973.05 (1) (by SECTION 2808), 973.09 (4), 973.10 (2) (intro.), (3) and (4), 973.14 (1) and (3), 973.15 (6), 973.155 (1) (b), (2) and (4), 973.20 (7), (11) (a) and (b), (12) (c) and (13) (b), 975.08 (2), 975.10, 975.12 (2), 976.03 (23) (b) and (c) and 976.05 (10) (b) and (c) and (14) of the statutes; the repeal and recreation of sections 15.01 (2), 15.315 (1), 20.435 (2) (gk), 20.866 (1) (u) and (2) (xa), 20.867 (3) (k), 20.903 (2) (bn), 38.24 (1) (d), 46.03 (1), 46.09 (2), 46.22 (1) (c) 2, 46.26 (3) (c) and (e) and (4) (a), 48.48 (14), 48.675 (3) (intro.), 49.133 (5), 230.08 (2) (e) 1 (by SECTION 2504t), 950.04 (1), 971.14 (5) (a) and 971.17 of the statutes; and the creation of chapter 301 and sections 15.103 (4), 15.105 (21), 15.14, 15.193, 20.410, 20.435 (2) (b) and (6) (hm), 20.505 (4) (fb) and (fc), 20.913 (3) (bm), 20.923 (4) (b) 6 and (f) 2g, 46.03 (7) (am) and (e), 48.341, 48.365 (1) (b), 48.553, 48.554, 48.556, 48.557, 48.558, 48.559, 48.795, 230.337, 230.44 (1) (f), 302.05, 304.01, 304.02, 971.14 (7) and 975.001 of the statutes and SECTIONS 3023 (1) and (1g) and 3123 (1) of this act take effect January 1, 1990.

(b) *Nursing facility requirements.* The treatment of sections 16.009 (3), 49.498 (1), (2) (a) to (d), (e) 2 and 3, (f) and (g), (3) to (13) and (15) to (20), 49.499, 50.04 (7), 50.05 (1) (dm), (2) (f) and (14) (b), 51.30 (4) (b) 22 and 146.82 (2) (a) 14 of the statutes takes effect on the earlier of the following:

1. October 1, 1990.

2. The first day following the day on which the attorney general makes the certification, if any, under SECTION 3023 (13an) of this act.

(c) *Facility payment formula.* The treatment of section 49.45 (6m) (a) 1, (ag) (intro.), 3, 4 and 8, (am) 1. c, 2. c and 5, (ar) 1. a, c and d, 2. c and d, 3. c and 5, (av)

1, 2, 3, 4, 5, 5m and 6, (bc), (bp), (c) 1, (j) and (k) of the statutes, the creation of section 49.45 (6m) (am) 5 and (ar) 5 of the statutes and SECTION 3023 (18) of this act take effect on July 1, 1989.

(cn) *Facility supplement.* SECTION 3023 (18r) of this act takes effect on July 1, 1989.

(d) *Facility preadmission screening and resident review.* The treatment of section 49.45 (6c) (f) of the statutes takes effect on September 1, 1989.

(f) *Group home revolving loan fund.* The treatment of section 46.976 (1) to (3) of the statutes takes effect on January 1, 1990.

(fn) *Aid to families with dependent children income disregards.* The treatment of sections 49.19 (5) (a) 1e, 2. (intro.), 3, 4. (intro.) and 5 and (am) 1. (intro.) and 49.50 (7g) (ca) and (cm) of the statutes takes effect on October 1, 1989.

(g) *Protection of income and resources of couple.* The treatment of sections 49.45 (7) (a) and 49.455 of the statutes takes effect on September 30, 1989.

(gn) *Extended medical assistance eligibility.* The treatment of sections 49.46 (1) (c), (cm) and (co) 2 and 49.50 (7j) (f) of the statutes takes effect on April 1, 1990.

(go) *Medical assistance eligibility income increase.* The treatment of section 49.47 (4) (am) 1 (by SECTION 1463gc) and 2 (by SECTION 1463ic) of the statutes takes effect on July 1, 1990.

(i) *Registry of nurse's assistants and home health aides.* The treatment of section 146.40 (4g) (a) 2 to 4 and (4r) of the statutes takes effect on September 1, 1989.

(jp) *Community options program waiver refusal.* The treatment of section 46.27 (5) (h), (6r) (intro.) and (a) to (d) and (7m) of the statutes and the creation of section 46.27 (6r) (a) and (b) (intro.) of the statutes take effect on January 1, 1990.

(kp) *Delete sunset of grandparent liability.* The treatment of section 948.22 (1) (b) 1 and 2, (2), (2m), (3), (3m), (4), (4m), (5), (5m), (6), (6m), (7) (a), (b) 1 and 2 and (c), (7m) and (8) of the statutes takes effect on July 1, 1989.

(kr) *Facility payment under the resource allocation program.* The treatment of 1989 Wisconsin Act 6, section 6 (1) (intro.) takes effect on January 1, 1989.

(Ln) *Public swimming pool review.* The treatment of section 140.051 (1) to (4) and (6) of the statutes takes effect on January 1, 1990.

(so) *Victim notification of juvenile release.* The treatment of section 48.51 (1) (b) and (c) and (2) of the statutes takes effect on December 31, 1989.

(29) INSURANCE.

(an) *Motor vehicle liability policies.* The treatment of section 632.36 (title) of the statutes, the renumbering and amendment of section 632.36 of the statutes and the creation of section 632.36 (2) of the statutes take effect on the first day of the 3rd month beginning after publication.

(cx) *Health insurance coverage of children.* The treatment of section 632.897 (1m) and (10) of the statutes, the creation of section 632.897 (10) (a) 3, (b) and (c) of the statutes and SECTION 3202 (29) (hx) of this act take effect on the first day of the 4th month beginning after publication.

(34) JUSTICE.

(abc) *Training.* The treatment of sections 20.455 (2) (i) (by SECTION 483tc) and (j), 29.05 (2), 165.85 (3) (d), (4) (a) (intro.), (an), (b), (bn), (c) and (d), (5) (b) and (5m), 165.86 (1) (b) and (2), 165.87 (1) (a) and 895.46 (1) (b) 1 of the statutes and SECTION 3202 (34) (db) and (dc) of this act take effect on July 1, 1990.

(39) MILITARY AFFAIRS.

(an) *Emergency response training.* The treatment of section 20.465 (3) (s) and (t) of the statutes and SECTION 3039 (1p) and (1q) of this act take effect on October 1, 1989, or the day after publication, whichever is later.

(40) NATURAL RESOURCES.

(ag) *Lower Wisconsin state riverway.* The treatment of sections 30.027, 30.124 (1) (intro.), 30.43, 30.435 (1), (2) and (9) (a), 30.44, 30.445, 30.45, 30.455, 30.46, 30.47, 30.48, 30.49, 31.03, 31.305, 77.17, 77.82 (11m), 196.491 (3) (d) 3m and 196.492 of the statutes takes effect on October 31, 1989, or the day after publication, whichever is later.

Vetoed
in Part

(bx) *Vehicle admission fees and camping fees.* The treatment of section 27.01 (7) (f) 1, (g) 1 and 2 and (gm) and (10) (g) of the statutes takes effect on January 1, 1990.

(44) PUBLIC INSTRUCTION.

(ag) *Suicide prevention.* The treatment of sections 15.377 (7m) and 20.255 (2) (ft) of the statutes and SECTION 3044 (44) (6g) of this act take effect on July 1, 1989.

(46) RACING BOARD.

(an) *Deposit of pari-mutuel tax revenues.* The repeal and recreation of section 20.192 (1) (g) (intro.) of the statutes takes effect on July 1, 1990.

Vetoed
in Part

(47) REGULATION AND LICENSING.

(ax) *Acupuncture examining board.* The treatment of sections 48.981 (2), 50.01 (2), 146.81 (1), 440.05 (3) (am), 448.03 (2) (a), 448.21 (1) (e) and 450.10 (3) (a) and chapter 451 of the statutes, the repeal and recreation of section 146.40 (1) (d) of the statutes and SECTION 3047 (2x) (d) of this act take effect on the first day of the 13th month beginning after publication.

(48) REVENUE.

(b) *Farmland tax relief credit.* The treatment of sections 20.835 (2) (dm) (title) and (q), 71.07 (3m), 71.10 (4) (i), 71.28 (2m), 71.30 (3) (f), 71.47 (2m) and 71.49 (1) (f), 71.53 (1) (a), 71.55 (1), 71.59 (1) (a), 71.61 (1), 71.74 (8) (a) to (c), 71.80 (3) and (3m) (intro.), 71.82 (1) (c) and (2) (c), 71.83 (2) (b) 4 and 71.88 (1) (b) and (2) (b) of the statutes and the repeal and recreation of section 71.08 (1) (intro.) of the statutes take effect on the 2nd day after publication.

(bg) *Federal pensions.* The treatment of section 71.05 (1) (a) of the statutes first applies to taxable years beginning on January 1, 1989.

(c) *Sales to federal government.* The treatment of sections 71.04 (7) (b) 2m (by SECTION 1815n) and 71.25 (9) (b) 2m (by SECTION 1915n) of the statutes takes effect on January 1, 1990.

~~(es) *Municipal service fees.* The treatment of sections 70.118, 70.119 (title) and 70.03 (3) (b) 4 (intro.) (by SECTION 2191mc) of the statutes takes effect on January 1, 1991.~~

Vetoed
in Part

(k) *Standard industrial classification.* The treatment of section 70.995 (2) (intro.) and (w) of the statutes takes effect on the January 1 after publication.

(L) *Machinery and equipment.*

1. The renumbering and amendment of section 77.54 (3) of the statutes and the creation of section 77.54 (3) (b) and (c) and (6r) of the statutes take effect on the first day of the 2nd month beginning after publication.

2. The treatment of section 70.111 (9) and (10) of the statutes takes effect on the January 1 after publication.

(og) *Charter sailboats.* The treatment of section 70.111 (3) of the statutes takes effect on January 1, 1990.

(oh) *Pianos.* The treatment of section 70.111 (1) of the statutes takes effect on the January 1 after publication.

(pc) *Vending machines.* The treatment of section 70.111 (23) of the statutes takes effect on January 1, 1990.

(pd) *Pollution abatement.* The treatment of section 70.11 (21) (a) of the statutes takes effect on January 1, 1990.

(qa) *Rental property.* The treatment of section 70.111 (22) of the statutes takes effect on January 1, 1990.

~~(gg) *Municipal property.* The treatment of section 70.11 (2) and (2m) of the statutes takes effect on January 1, 1990.~~

Vetoed
in Part

~~(qh) *Sports facilities.* The treatment of section 70.11 (35) of the statutes takes effect on January 1, 1990.~~

(r) *Telecommunications.* The treatment of section 76.38 (4), (5) (intro.) and (5m) of the statutes takes effect on May 1, 1990.

(s) *Cigarette stamps.* The repeal and recreation of section 139.32 (6) of the statutes takes effect on the first day of the 3rd month beginning after publication.

(t) *Telecommunications.* The treatment of sections 77.51 (4) (a) 4 and (15) (a) 4 and 77.52 (2) (a) 3, 4 and 5 of the statutes takes effect on the first day of the 2nd month beginning after publication.

(u) *Occasional sales.* The treatment of section 77.54 (7) and (7m) of the statutes takes effect on January 1, 1990.

(vt) *Lost manufacturing value payment.* The repeal of section 20.835 (1) (f) of the statutes and the repeal and recreation of sections 25.50 (3) (b) and 66.03 (5) and (13) (bb) of the statutes take effect on January 1, 1990.

(w) *Camping fees.* The treatment of sections 27.01 (10) (d) 1 to 6 and 77.54 (10) of the statutes takes effect on the first day of the first month beginning after publication.

(xb) *Stockings.* The treatment of section 77.54 (22) (f) of the statutes takes effect on the first day of the 2nd month beginning after publication.

(53) TRANSPORTATION.

(b) *Registration and title reinstatement fees.* The treatment of sections 341.36 and 342.14 (8) of the statutes and SECTION 3202 (53) (e) of this act take effect on January 1, 1990.

(ex) *Local airport development.* The repeal and recreation of sections 20.395 (2) (dq) and 114.35 (2) of the statutes takes effect on June 30, 1991.

(55) UNIVERSITY OF WISCONSIN SYSTEM.

(a) *Private sewage systems research.* The treatment of section 20.285 (1) (fn) of the statutes takes effect on July 1, 1989.

(56) VETERANS AFFAIRS.

(a) *Credit reporting agency information.* The treatment of section 45.36 (5m) and (6) of the statutes takes effect on July 1, 1990.

(57) VOCATIONAL, TECHNICAL AND ADULT EDUCATION.

(a) *Financing of capital expenditures.* The repeal and recreation of section 38.15 (1) and (3) of the statutes takes effect on July 1, 1990.

(58) OTHER.

(a) *Additional biweekly payroll.* The repeal of section 20.865 (1) (e), (jm), (m), (tm) and (x) of the statutes takes effect on January 1, 1991.

Vetoed in Part (b) *Rental car liability.* The treatment of section 344.53 of the statutes and SECTION 3202 (58) (d) of this act take effect on the first day of the 4th month beginning after publication.

(bg) *Regional prosecution.*

1. The repeal of sections 59.13 (1) (f), 59.44, 59.45, 59.46, 59.47, 59.475, 59.48, 59.485, 59.49, 63.03 (2) (L) and (m) and 767.65 (2) (am) of the statutes, the renum-

bering of sections 35.84 (figure) line 70 of the statutes, the amendment of sections 10.01 (2) (c), 16.20 (1) (g), 17.01 (2) and (7), 17.06 (title), 17.09 (5), 17.21 (1), 19.01 (4) (a), 19.10, 19.42 (5), 19.43 (7), 19.45 (9), 19.51 (1) (a) and (3), 19.55 (2) (b), 19.56 (2) (b) 5, 20.905 (3), 20.923 (6) (intro.), 30.30 (3) (c), 35.90, 40.51 (2), 40.55 (1), 40.61 (2), 40.62 (2), 40.70 (1) (intro.), 40.80 (1), 49.90 (2), 51.20 (4), 51.42 (3) (ar) 1, 51.437 (4m) (f), 55.06 (1) (c), 59.07 (3) (b) and (97), 59.071 (5) (b) and (e), 59.12, 59.125, 59.974 (8), 61.354 (7), 62.234 (7), 73.03 (20), 111.825 (4), 111.84 (2) (c), 111.91 (1) (a) and (4), 111.93 (2), 144.266 (2), 165.25 (1) (by SECTION 2431), 165.70 (4), 196.675 (1) and (2), 230.10 (2), 230.34 (1) (a) and (ar), 230.44 (1) (c), 767.45 (6), 767.52 (3), 767.65 (6) (a) and (b), (12), (17) (c), (18), (19), (24), (33), (38) and (39) (b), 809.80 (2) (b) and 880.295 (1) of the statutes, the repeal and recreation of section 17.11 (2) and (4) and 46.25 (7) (a) and (b) of the statutes and the creation of sections 17.03 (4) (bm), 17.06 (3), 17.19 (3s), 20.001 (6), 20.923 (2) (j), 20.923 (6) (de), 40.51 (11), 40.55 (5), 40.61 (4), 40.70 (11), 59.457, 59.458, 111.81 (7) (c), 111.815 (3), 111.825 (2) (d) and 230.08 (2) (sg) and chapter 978 (except sections 978.01 and 978.02) of the statutes and SECTION 3058 (1e), (1f), (1fn), (1g), (1i) and (1j) of this act take effect on January 1, 1990.

1n. The amendment of section 978.01 (2) (b) of the statutes takes effect on January 7, 1991.

2. The repeal and recreation of section 73.03 (20) of the statutes takes effect on January 1, 1992.

~~(bp) *Budget bill format.* The treatment of sections 13.48 (2) (i) (by SECTION 279), 15.197 (18) (by SECTION 81n), 16.41 (1) (by SECTION 113f), 16.45 (by SECTION 114h), 16.47 (1) (by SECTION 114n), 16.47 (1m) (by SECTION 115an), 16.47 (1s) (by SECTION 115c), 16.47 (2) (by SECTION 115n), 16.58 (7) (a) (by SECTION 118f), 16.517 (by SECTION 120h), 20.928 (3) (by SECTION 645n), 36.09 (1) (j) (by SECTION 704am), 84.013 (5) (by SECTION 2198hgcm), 84.103 (6) (by SECTION 2198hgdm) and 84.92 (2) (by SECTION 2199d) of the statutes takes effect on July 1, 1993.~~

Vetoed in Part

(cn) *Hotel telephone charges.* The treatment of sections 50.59 and 50.84 of the statutes and the creation of section 50.84 (2) of the statutes take effect on the first day of the 2nd month beginning after publication.